

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Seminary Avenue and W/S *
 of Wellington Valley Way * ZONING COMMISSIONER
 8500 Wellington Valley Way *
 8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District *
 John F. Owings, Jr., et ux * Case No. 96-311-A
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8500 Wellington Valley Way in the Wellington Valley subdivision in Lutherville. The Petition is filed by John F. Owings, Jr. and Susanne M. Owings, property owners. Variance relief is requested from Section 504 of the Baltimore County Zoning Regulations (BCZR) and Sections V.B.6.a and V.B.a of the Comprehensive Manual of Design Policy (CMDP) to permit an 18 ft. window and building setback in lieu of the 25 ft. required. The Petition for Variance also requests an amendment of the Final Development Plan of Padonia Complex Section I.

Appearing at the public hearing held for this case was John F. Owings, Jr., co-Petitioner/property owner. Also appearing in support of the Petition was William Thomas, a neighbor. The Petitioners were represented by Lloyd J. Hammon, Esquire. There were no Protestants or other interested persons present. However, a letter in opposition to the request was received from Lynn Kahlenberg, of Brodie Management, Inc., on behalf of the homeowners association which governs this property.

Testimony and evidence presented by Mr. Owings is that he and his wife purchased the subject property approximately 6 months ago. However, they have not moved in and do not now reside therein. The subject site is approximately .1557 acres in area, zoned D.R.5.5. The property is located on the northwest corner of the intersection of Seminary Avenue (Md. Route 131) in Wellington Valley Way in Lutherville. The property is improved

ORDER RECEIVED FOR FILING

Date

By

4/17/96
 M. Noah

with a two story brick and frame dwelling which fronts Wellington Valley Way. The site also features an attached garage and vehicular access to the property is by way of a common driveway on the northern side of the site. Apparently, the house is approximately 11 years old.

Mr. Owings further testified that he and his wife desire to make significant improvements to the property. A sunroom is proposed to be constructed on the southern side of the house, facing Seminary Avenue. This sunroom will be approximately 12 ft. x 22 ft. in dimension and will extend along approximately the entire side of the house. In addition to this single story sunroom, improvements will also be made to the second story of the house on that side. Specifically, the exterior wall will be moved out a dimension of approximately 4 ft. thereby providing additional living space to two bedrooms which are upstairs. In addition to the sunroom and bedroom additions, further improvements will be made to the exterior of the house on that side of the dwelling. These improvements are more particularly shown on elevation drawings which were submitted to the Zoning Commissioner by Mr. Owings at the hearing.

Mr. Thomas resides next door and spoke briefly at the hearing. He indicated that he had no objection to the requested relief. However, as noted above, a letter was received from Brodie Management, Inc. The letter indicates that Mr. and Mrs. Owings' plans were submitted to the Architecture and Environmental Review Committee of the Wellington Valley Homeowners Association. That committee referred the matter to the Board of Directors of the community association which has denied approval under the property covenants for the sunroom and greenhouse addition. Certain of the other exterior improvements were approved.

As I indicated at the hearing, the Zoning Commissioner has no authority to interfere or interpret the covenants and community associations'

responsibilities. My role is limited to an interpretation and application of the BCZR. Nonetheless, it was clear that the Petitioners must obtain both zoning relief, as well as approval from the community, in order to make the necessary improvements.

As to the zoning relief requested, the Zoning Commissioner must be guided by Section 307 of the BCZR and the case law which has construed same. The law of variances requires that the Petitioner demonstrate that he and his property would suffer a practical difficulty or undue hardship if the relief requested were denied. Moreover, the Petitioner must demonstrate that relief can be granted without adverse impact to the surrounding locale.

The variance statute in Baltimore County was comprehensively discussed by the Court of Special Appeals of Maryland recently in Cromwell v. Ward, 102 Md. App. 691 (1995). In that case, the Court noted that variances cannot be justified for reasons by mere convenience. Rather, relief can only be approved upon the showing that significant detriment would result to the property owner.

At the hearing, it was clear that the Petitioner either did not understand this requirement or was unable to address same. There was no evidence offered by the Petitioner to meet the legal requirements set forth above. When questioned why such relief should be granted, the Petitioner merely indicated that he and his wife desire more living space. There was no indication that he and his family have outgrown the house. To the contrary, apparently the Petitioners do not have children at home and, more importantly, do not, as yet, reside in the property.

Based upon the testimony and evidence offered, it is clear that the Petition cannot be granted. Simply stated the Petitioners have failed to satisfy their burden of proof and relief must be denied.

ORDER RECEIVED FOR FILING

Date

By

4/17/96
[Signature]

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Seminary Avenue and W/S *
 of Wellington Valley Way * ZONING COMMISSIONER
 (8500 Wellington Valley Way) *
 8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District *
 * Case No. 96-311-A
 John F. Owings, Jr., et ux *
 Petitioners *

* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter came before the Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, John F. Owings, Jr. and his wife, Susanne M. Owings, seeking relief from Section 504 of the Baltimore County Zoning Regulations (BCZR) and Sections V.B.6.a and V.B.a of the Comprehensive Manual of Development Policies (CMDP) to permit a window to building setback of 18 feet in lieu of the required 25 feet for a proposed addition to the existing dwelling, and an amendment to the Final Development Plan of Padonia Complex Section I, Lot #9 thereof to reflect the proposed improvements, pursuant to the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

For reasons outlined in the Order issued April 17, 1996, the relief requested was denied. Subsequent to the issuance of said Order, this Office received a request for reconsideration from the property owner, and a revised site plan in which the proposed addition had been scaled down. As shown on the revised site plan, which has been marked as Petitioner's Exhibit 1A, the Petitioner now seeks a variance to permit a window to building setback of 22 feet in lieu of the originally requested 18 feet. Furthermore, by letter dated June 4, 1996, the Wellington Valley Homeowners' Association advised this Office that they have reviewed the revised proposal depicted on Petitioner's Exhibit 1A and recommended approval of the modified relief requested.

After due consideration of the revised site plan submitted by the

ORDER RECEIVED FOR FILING

Date

By

Petitioner, and the fact that he has obtained approval from the Wellington Valley Homeowners' Association, I am persuaded to grant the Petitioners' request for reconsideration. The revised plan reflects an addition that will be more in keeping with the character and design of the existing home and surrounding community. Furthermore, the modified variance will not be detrimental to the public health, safety or general welfare and meets the spirit and intent of the zoning regulations.

THEREFORE ^{16th} IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of September, 1996 that a variance from Section 504 of the BCZR and Sections V.B.6.a and V.B.a of the CMDP to permit a window to building setback of 22 feet in lieu of the required 25 feet for a proposed addition, in accordance with the revised site plan marked as Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that an amendment to the Final Development Plan of Padonia Complex Section I, Lot 9 thereof, to reflect the proposed improvements, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a thirty (30) day appeal period runs from the date of this Amended Order during which time any party may file an appeal of this decision. Therefore, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Amended Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/bjs

cc: Mr. & Mrs. John F. Owings, Jr.. P.O. Box 295, Owings Mills, Md. 21117
Mr. William Thomas, 8501 Wellington Valley Way, Lutherville, 21093
Ms. Lynn Kahlenberg, Brodie Management, P.O. Box 6829, Towson, 21285
People's Counsel; Case File

COPIES RECEIVED FOR PLANS
9/16/96
bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 17, 1996

Mr. and Mrs. John F. Owings, Jr.
P.O. Box 295
Owings Mills, Maryland 21117

RE: Case No. 96-311-A
Petition for Zoning Variance
Property: 8500 Wellington Valley Way, Lutherville

Dear Mr. and Mrs. Owings:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

c: Mr. William Thomas, 8501 Wellington Valley Way, Lutherville, 21093



#308



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

8500 Wellington Valley Way, Lutherville 21093

which is presently zoned DR 3.5

96-311-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

504(V.B.6. a. + V.B.9.) to permit an 18' window and building setback in lieu of 25' and amend the FDP of Padonia Complex, Section I.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) We would like to increase our living space so as not to move to a larger home. Attached please find a copy of the Wellington Valley Homeowner Association's Architectural Committee's preliminary approval letter for subject sun room addition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Lloyd J. Hammond

(Type or Print Name)

Signature

P.O. Box 569, 833-7576

Address

Phone No.

Reisterstown, MD 21136

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

John F. Owings, Jr.

(Type or Print Name)

John F. Owings, Jr.

Signature

Susanne M. Owings

(Type or Print Name)

Susanne M. Owings

Signature

P.O. Box 295, 833-1187

Address

Phone No

Owings Mills, MD 21117

City

State

Zipcode

Name, Address and phone number of representative to be contacted

John F. Owings, Jr.

Name

P.O. Box 295, Owings Mills, MD 833-1187

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 2/14/96



Printed with Soybean Ink
on Recycled Paper

Zoning Administration

Development Management

Brodie Management INC

January 16, 1996

96-311-A

Mr. and Mrs. John F. Owings, Jr.
8500 Wellington Valley Way
Lutherville, Maryland 21093

Dear Mr. and Mrs. Owings:

Your request to the Architectural Committee for approval of a sun room addition, storage shed, and to enclose the outside stairwell and attach same by a trellis roof to the storage shed has been approved in concept pending receipt of detailed construction drawings. Pickets are to be installed at the ceiling of the front porch between the railing posts to match the railing below (12" maximum height).

Detailed construction plans along with color data sheets for all of the improvements are to be submitted for approval prior to the start of work.

Any deviations from the approval as noted on this letter may be deemed to be a violation of the Wellington Valley governing documents and may need to be corrected.

If you have any questions, please contact Brodie Management at 825-6060.

Very truly yours,

Architectural Committee
Wellington Valley
Homeowners Association, Inc.

/pw

Enclosures:

Approved Architectural Request
General Conditions

H:\WPDATA\WV\ARCHITBC\OWINGS.ARC

File: Wellington Valley/Unit File

WELLINGTON VALLEY HOMEOWNER ASSOCIATION
REQUEST FOR APPROVALWendy Whitridge
Dec 18,HOMEOWNER NAME: John F. & Susanne M. OwingsADDRESS: 8500 Wellington Valley WayPHONE NUMBERS: 833-1187 (DAY) 833-1187
833-1187 (EVENING)DATE OF SUBMISSION: December 11, 1995

REQUEST: ^① To build a sun room addition. ^② To build an attached storage shed for lawn mower, etc. ^③ To enclose the outside stairwell and attach same by a trellis roof to the storage shed. To add pickets @ ceiling of front porch between railing posts to match railing below (12" max. hgt.).

DESCRIPTION (be sure to include specific details, measurements, color, shape, pictures or location, materials, style, drawings, etc.) Note: check by-laws for specifications.: When our concept plans are approved (sheets A1, A2 & A3 attached hereto) we will submit detailed construction plans along with color data sheets for all of the improvements for final approval.

DATE(S) OF COMMENCEMENT AND COMPLETION: Spring 1995

COPY(S) OF ADDITIONAL PERMITS NEEDED (if applicable).

ADDITIONAL INFORMATION: Two sets of concept drawings sent to Ms. Wendy Whitridge, 20 Southwark Bridge Way, Lutherville, MD 21093.

PLEASE MAKE THREE COPIES OF YOUR REQUEST, DRAWINGS, SAMPLES, ETC., AND SEND THEM TO THE BRODIE MANAGEMENT CO., P.O. BOX 6829, TOWSON, MD 21285-6829. BE SURE TO KEEP A COPY OF THE REQUEST AND THE COMMITTEE'S RESPONSE FOR YOUR FILES. PLEASE NOTIFY BRODIE WHEN THE WORK IS COMPLETED SO THAT IT MAY BE VERIFIED WITH THE REQUEST AND FOLLOWED UP WITH AN INSPECTION BY THE ARCHITECTURAL COMMITTEE.

**Brodie
Management**
INC.

January 16, 1996

96-311-A

Mr. and Mrs. John F. Owings, Jr.
8500 Wellington Valley Way
Lutherville, Maryland 21093

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Detailed construction plans along with color data sheets for all of the improvements are to be submitted for approval prior to the start of work.

Any deviations from the approval as noted on this letter may be deemed to be a violation of the Wellington Valley governing documents and may need to be corrected.

If you have any questions, please contact Brodie Management at 825-6060.

Very truly yours,

Architectural Committee
Wellington Valley
Homeowners Association, Inc.

/pw

Enclosures:

Approved Architectural Request
General Conditions

H:\WPDATA\WV\ARCHITBC\OWINGS.ARC

File: Wellington Valley/Unit File

William E. Doyle

LAND SURVEYOR 8440

5312 EMERALD DRIVE BYKEVILLE, MARYLAND 21784 PHONE (301) 795-2210

96-311-A

ZONING DESCRIPTION FOR 8500 WELLINGTON VALLEY WAY

Beginning at a point on the west side of Wellington Valley Way, which is 50 feet wide at a distance of 40 feet north of the centerline of the nearest improved intersecting street, Seminary Avenue, which is 80 feet wide. Being lot #8, Section 1 in the subdivision of Padonia Complex as recorded in Baltimore County Plat Book #49 Folio # 111. Containing 6,782 Square Feet. Also known as 8500 Wellington Valley Way and located in the 8th Election District, 3rd Councilmanic District.

308

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District _____ Date of Posting _____
Posted for: _____
Petitioner: _____
Location of property: _____
Location of Signs: *Front Yard*
Remarks: _____
Posted by *W. Flinn* Date of return: *3/29/96*
Number of Signs: *1*



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-311-A

(Item 308)

8500 Wellington Valley Way
N/S. Seminary Avenue and
W/S Wellington Valley Way
8th Election District
3rd Councilmanic

Legal Owner(s):

John F. Owings, Jr. and
Suzanne M. Owings

Variance: to permit a 15 foot
window and building setback
in lieu of 25 feet and to amend
the FDP of Padonia Complex,
Section 1.

Hearing: Thursday, March 21,
1996 at 9:00 a.m. in Rm. 118,
Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations.
Please Call 887-3353.

(2) For information concerning
the file and/or hearing,
Please Call 887-3391.

2/25/97 Feb 29

Courtesy

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/29, 1996.

THE JEFFERSONIAN,

A. Henricson

LEGAL AD. - TOWSON

post by: 3/6/96

CASE NUMBER: 96-311-A (Item 308)
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic
Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

HEARING: THURSDAY, MARCH 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016572

96-311-A

DATE 2/14/96 ACCOUNT 6.5

By: mfk

Item: 308

AMOUNT \$ 135.00

RECEIVED FROM: Owings, John F. - 8500 Wellington Valley Way

010- Res Var. - \$50.00

030- Sp. Hous. - \$50.00

080- 1st St. - \$35.00 / \$135.00

FOR: 010- Res Var. - \$50.00

030- Sp. Hous. - \$50.00

080- 1st St. - \$35.00

\$135.00

010- Res Var. - \$50.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

010- Res Var. - \$50.00
030- Sp. Hous. - \$50.00
080- 1st St. - \$35.00
\$135.00



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 308 Petitioner: John F. Owings & Susanne M. Owings

Location: 8500 Wellington Valley Way

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John F. Owings, Jr.

ADDRESS: P.O. Box 295, Owings Mills, MD 21117

PHONE NUMBER: 833-1187

TO: PUTUXENT PUBLISHING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

John F. Owings, Jr.
P. O. Box 295
Owings Mills, MD 21117
833-1187

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-311-A (Item 308)
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic
Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

HEARING: THURSDAY, MARCH 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-311-A (Item 308)
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic
Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

HEARING: THURSDAY, MARCH 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John F. Owings, Jr.
Lloyd J. Hammond, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 14, 1996

Lloyd J. Hammond, Esquire
P.O. Box 569
Reisterstown, MD 21136

RE: Item No.: 308
Case No.: 96-311-A
Petitioner: J.F. Owings, et ux

Dear Mr. Hammond:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 14, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)




ENCLOSURE

96-1005
3/2/96
8
BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM:  Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Items 305, 306, 308, 309, 310, 313, 314

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 29, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 305, 306, 307, 308, 310, 311, 313, 314, and 315

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Dary L. Keens

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 26, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

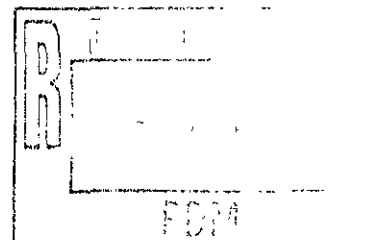
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 305, 306, 307, 308, 311, 312, 313, 314 & 315.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

2-27-96
RE: Baltimore County
Item No. 308 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

PETITION PROBLEMS

#308 --- MJK

1. No signature for attorney on petition form.

#311 --- JLL

1. Notary section is incomplete.

96-311-A

Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

(Item 309)

No Specific Site

Petitioner: Price/Costco, Inc.

Special Hearing to approve a Price Club as a use permitted as a right in a B.L. zone.

(Item 310)

Royalty Circle at its intersection with Village Queen Drive

3rd Election District - 2nd Councilmanic

Legal Owner: TRG, Ltd. and The OPM Group, LLC

Special Hearing to approve the 8th Amended Final Development Plan of Queen Anne Village Addition, Section 2, for 40 townhomes instead of the 64 back-to-back townhouses approved previously.

(Item 312)

2418 Poplar Road

E/S Poplar Road, 2000' +/- S of c/l Silver Lane

15th Election District - 7th Councilmanic

Legal Owner: David W. Maxwell and Katheen E. Maxwell

Variance to permit a dwelling with a 10 foot side yard setback in lieu of the required 50 feet, to permit a detached accessory structure (garage) with a 24-foot height in lieu of the maximum permitted 15 feet; and to approve an undersized lot with any other variances deemed necessary by the zoning commissioner.

(Item 313)

9106 Avenue A

N/S Avenue A, 165' +/- W of c/l Ross Road

15th Election District - 6th Councilmanic

Legal Owner: John W. Taylor

Variance to allow an existing detached deck located in the front in lieu of the rear of the dwelling and a side yard setback of zero in lieu of the required 2.5 feet.

(Item 315)

1009 Maple Road

NEC Maple and Marsh Roads

15th Election District - 5th Councilmanic

Legal Owners: Gerald Elsworth Jones

Variance to allow a proposed dwelling with a 55 foot setback to street centerline and a side setback of 45 feet to the street centerline in lieu of the minimum required 75 feet.

VIOLATION HEARING

CASE NUMBER; V-96-300-SPH

2800 Shepperd Road

"The Lone Paris Dude Ranch"

10th Election District - 3rd Councilmanic

Legal Owners (current and former): Joyce Ewers, Alice Brown, and Roger Brown

Special Hearing to determine whether golf, horseback riding, hayrides; sports such as archery, croquet, volleyball, ping pong, pinball, pool, horseshoes, also, campfires, bar-b-q's, country dancing, talent shows, restaurant, hotel, bed and breakfast home or inn are uses permitted either individually or collectively for a commercial purposes within the spirit and intent of the B.C.Z.R.7

HEARING: THURSDAY, MARCH 28, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Rescheduled from 9/19/95 and 10/19/95
CASE NUMBER: 96-60-SPHXA (Item 59)
8819 Orchard Tree Lane - Club 101
W/S Orchard Tree Lane, 534' +/- N of c/l Joppa Road
9th Election District - 4th Councilmanic
Legal Owner: Rampart Partnership
Contract Purchaser: Club 101

96-311-A

Special Exception for an after hours club.

Variance to permit an after hours club within 83 feet of a residence in lieu of 1,000 feet.

Special Hearing to establish the subject premises as a non-conforming use and to authorize continued existing uses; to establish that Petitioners have "vested right" in the property such that County Bill No. 85-94 and the BCZR contained therein relating to "after hours clubs" may not be enforced against Petitioners and the subject premises; to establish that Baltimore County Bill No. 85-94 and the BCZR contained therein relating to "after hours clubs" may not be enforced against Petitioners and the subject premises as same is unconstitutional as applied against Petitioners and the subject premises; and to establish that Baltimore County Bill No. 85-94 and the BCZR contained therein relating to "after hours clubs" may not be enforced against Petitioners under the doctrine of estoppel.

DATE: 6-7-96

OE:
 ORIC DISTRICT/BLDG.

PERMIT #: _____
RECEIPT #: _____
CONTROL #: _____
XREF #:

PROPERTY ADDRESS 1026 Seminary Ave ☐ YES ☒ NO
SUITE/SPACE/FLOOR ☐ DO NOT KNOW
SUBDIV: Paconia Complex, Section I ☐ DO NOT KNOW
TAX ACCOUNT #: 04-08-1900006842 DISTRICT/PRECINCT 08
OWNER'S INFORMATION (LAST, FIRST) John F. Dwiings, John F., Jr. & Susanne
NAME: John F. Dwiings, John F., Jr. & Susanne
ADDR: P.O. Box 295, Owings Mills MD 21117

DOES THIS BLDG.
HAVE SPRINKLERS
YES — NO ☒

FEE: \$507-5
PAID: _____
PAID BY: _____
INSPECTOR: _____

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT

1. NEW BLDG CONST

2. ADDITION

3. ALTERATION

4. REPAIR

5. WRECKING

6. MOVING

7. OTHER

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS) _____
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION
1. - SLAB
2. - BLOCK
3. - CONCRETE

~~BASEMENT~~
1. ~~FULL~~
2. ~~PARTIAL~~
3. ~~NONE~~

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY 8x22x29 =
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH _____ HEIGHT _____) 20x8 4x05F
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE 22x28x19 = 440F
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE _____ MERCANTILE _____ RESTAURANT
SPECIFY TYPE _____
20. SWIMMING POOL _____
SPECIFY TYPE _____
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
23. OTHER

TYPE OF CONSTRUCTION

1. ~~_____~~ MASONRY
2. ~~_____~~ WOOD FRAME
3. ~~_____~~ STRUCTURE STEEL
4. ~~_____~~ REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF WATER SUPPLY

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM
 SEPTIC EXISTS PROPOSED
 PRIVY EXISTS PROPOSED

CENTRAL AIR: 1.
ESTIMATED COST: \$ 3000
OF MATERIALS AND LABOR

1.	<input checked="" type="checkbox"/> PUBLIC SYSTEM	<input checked="" type="checkbox"/> EXISTS	<input checked="" type="checkbox"/> PROPOSED
2.	<input type="checkbox"/> PRIVATE SYSTEM	<input type="checkbox"/> EXISTS	<input type="checkbox"/> PROPOSED

PROPOSED USE:
EXISTING USE:

OWNERSHIP
1. ☒ PRIVATELY OWNED 2. ☒ PUBLICLY OWNED 3. ☐ SALE 4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. 1 DETACHED 2. 6 SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 4
POWDER ROOMS KITCHENS LIBER 2 FOLIO 111 sect 1

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 4 SIZE 81.62 X
WIDTH 9 FRONT STREET _____
DEPTH 22 SIDE STREET _____
HEIGHT 24 FRONT SETBK _____
STORIES 3 SIDE SETBK 0
LOT #'S 9 SIDE STR SETBK _____
CORNER LOT 1 REAR SETBK 0
1. N 2. N ZONING

APPROVAL SIGNATURES		DATE
BLD INSP :		
BLD PLAN :		
FIRE :		
SEDI CTL :		
ZONING / / :	case # 96-311A need letter	
PUB SERV :		
ENVRMNT :		
PERMITS :		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

RE: PETITION FOR VARIANCE
8500 Wellington Valley Way, N/S Seminary
Avenue and W/S Wellington Valley Way
8th Election District, 3rd Councilmanic

John F. and Susanne M. Owings, Jr.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-311-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Lloyd J. Hammond, Esquire, P. O. Box 569, Reisterstown, MD 21136, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

000000000000

Brodie Management INC.

March 18, 1996

Mr. and Mrs. John F. Owings, Jr.
8500 Wellington Valley Way
Lutherville, Maryland 21093

Dear Mr. and Mrs. Owings:

Please be advised that your initial request for a sunroom, greenhouse and outside stairwells, storage shed, trellis, etc., was approved **in concept** by the Architectural & Environmental Committee, pending approval of final plans. The final plans were recently received. Due to the nature of the request and the drastic changes to the existing house, the committee asked the Board of Directors for a final determination.

The decision was reached at the Board Meeting held on March 14, 1996 that the outside stairwell, the storage shed and the trellis are **approved**. However, the **sunroom** and **greenhouse** are **disapproved**.

If you have any questions, please contact Brodie Management at 825-6060.

Very truly yours,



Lynn Kahlenberg
Property Manager

LK/pw

H \WPDATA\WV\ARCHITEC\OWINGS.2

File: Wellington Valley/Unit File

**Brodie
Management**
INC.

March 20, 1996

Zoning Commissioners Office
400 Washington Avenue, Room 112
Towson, Maryland 21204

**Re: Case #96-311A
8500 Wellington Valley Way**

Gentlemen:

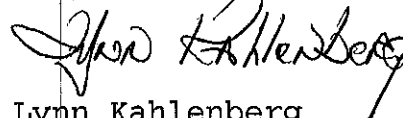
Enclosed please find a copy of a letter sent to Mr. and Mrs. John F. Owings, Jr. of 8500 Wellington Valley Way. This case is scheduled for review on March 21, 1996 at 9:00 a.m.

Mr. and Mrs. Owings submitted their building plans for review by the Architectural and Environmental Review Committee of the Wellington Valley Homeowners Association. Please note that the sunroom and greenhouse have been disapproved by the Association.

We would like to submit this letter as evidence that the requested window and building setback exception should not be granted.

If you have any questions, please contact me or my assistant, Pat Wooden, at 825-6060.

Very truly yours,



Lynn Kahlenberg
Property Manager

LK/pw

H:\WPDATA\WV\ARCHITEC\ZONING.MEM
File: Wellington Valley\Unit File

2000

File in case file

April 18, 1996

Mr. and Mrs. John F. Owings, Jr.
8500 Wellington Valley Way
Lutherville, Maryland 21093

Dear Mr. and Mrs. Owings:

After lengthy discussion, the Wellington Valley Board of Directors has disapproved your request to build a sunroom addition to your house. The Board doesn't like to reject homeowners' requests, and when they do it is only because they believe that to do otherwise would be a detriment to the community.

Building setbacks are an important planning concept which should be respected, especially along road frontage. One exception may seem insignificant in a community of 371 homes, but fairness to all homeowners could result in numerous exceptions with very undesirable consequences to the community as a whole. The Board hopes you can appreciate the reason for their decision.

Very truly yours,

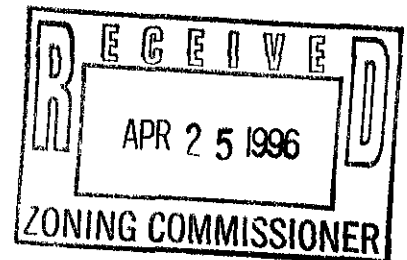
Lynn Kahlenberg

Lynn Kahlenberg
Property Manager

LK/pw

cc; Zoning Commissioner's Office
Ref: Case #96-311A

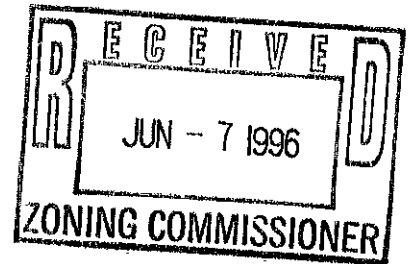
H:\WEDATA\WV\ARCHITECT\OWINGS.FNL
File: Wellington Valley\Unit File



**Brodie
Management**
INC.

June 4, 1996

Zoning Commissioners Office
400 Washington Avenue, Room 112
Towson, Maryland 21204




Re: Case #96-311A
8500 Wellington Valley Way

Gentlemen:

This is to inform you that the Board of Directors of Wellington Valley has approved the revised construction proposal submitted to them by Mr. and Mrs. John F. Owings, Jr. of 8500 Wellington Valley Way. A copy of this revised proposal, dated April 26, 1996, is attached for your records.

If you have any questions, please contact me or my assistant, Pat Wooden, at 825-6060.

Very truly yours,


Lynn Kahlenberg
Property Manager

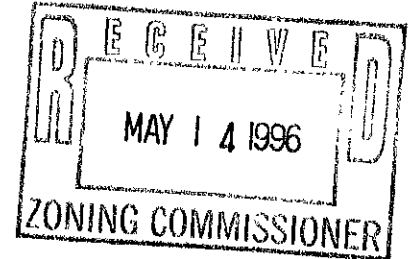
LK/pw

H:\WPDATA\WV\ARCHITEC\ZONING.MEM
File: Wellington Valley\Unit File

JOHN F. OWINGS, JR.
111 SUNNYMEADOW LANE
P. O. BOX 295
OWINGS MILLS, MARYLAND 21117

April 13, 1996

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Old Court House
400 Washington Ave., Suite 112
Towson, Maryland 21204



Attn: Mr Lawrence E. Schmidt, Zoning Commissioner

RE: Case No. 96-311-A
Petition for Zoning Variance
Property: 8500 Wellington Valley Way, Lutherville

Dear Mr. Schmidt:

Please reconsider your decision rendered in the above captioned case based on the revised request outlined below.

We are enclosing copies of the proposed East and South elevations for the above referenced property, revised to delete the sunroom concept and decreased from 12' to a 8' long extension from the South side of the house. Also, a copy of the revised site plan is attached for your file. Subject revision will require a 3' sideyard setback variance (22' side yard setback) in lieu of the original 7' sideyard setback variance (18' side yard setback).

The Wellington Valley H.O.A.'s Board of Directors voted to approve this planned addition on May 9, 1996. Please contact Ms. Lynn Kahlenberg, Property Manager, Brodie Management, Inc. at 825-6060 for confirmation of this approval. Ms. Kahlenberg's official letter approval will be forwarded when available.

Thank you for your continued help in this matter.

Sincerely yours,

John F. Owings, Jr.
John F. Owings, Jr.

cc: Ms. Lynn Kahlenberg, Brodie Management, Inc.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

John F. Owings Jr.

P.O. Box 295, Owings Mills MD 21117

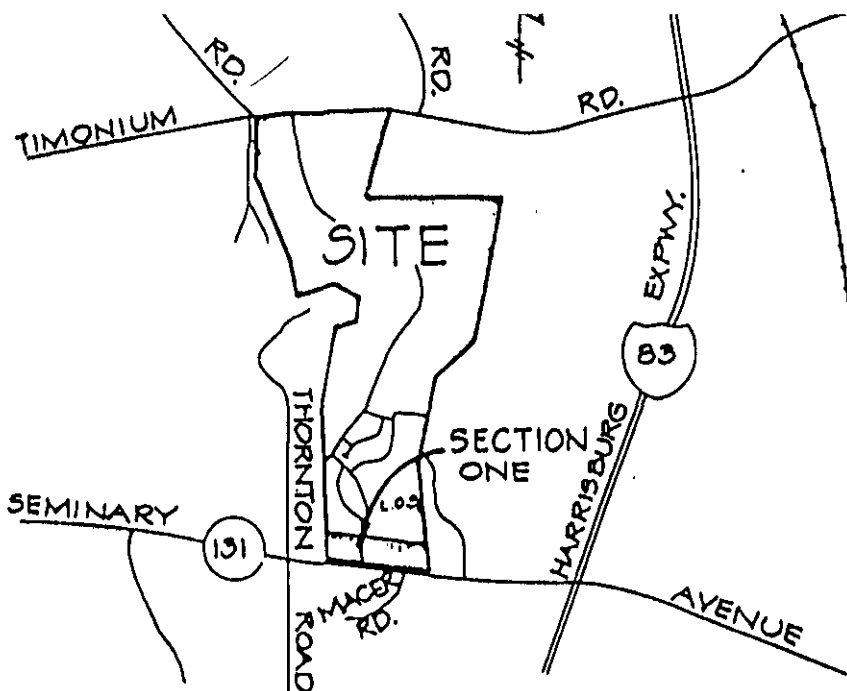


CITIZEN SIGN-IN SHEET

ADDRESS

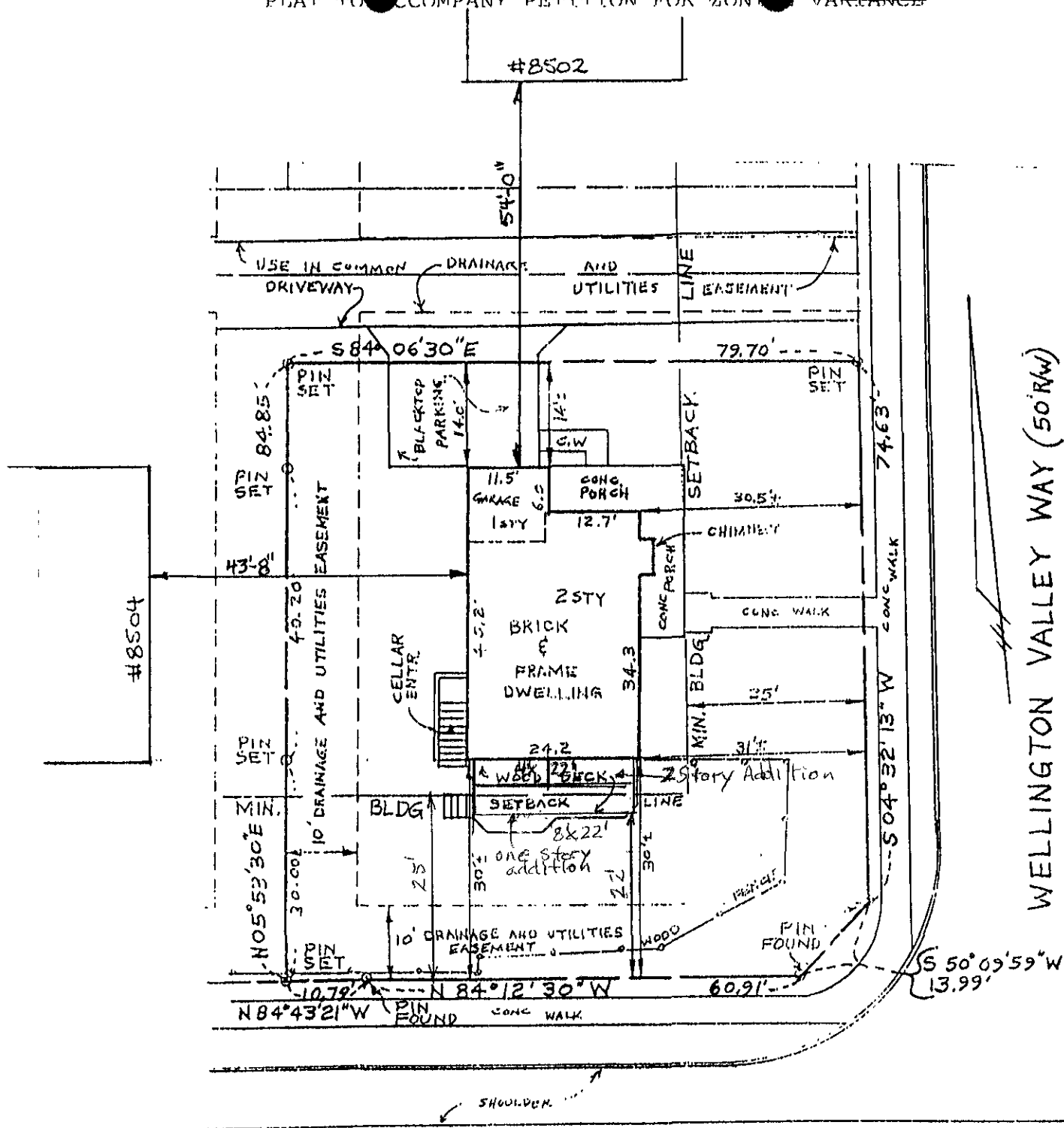
William Thomas

8501 Wellington Underway Way

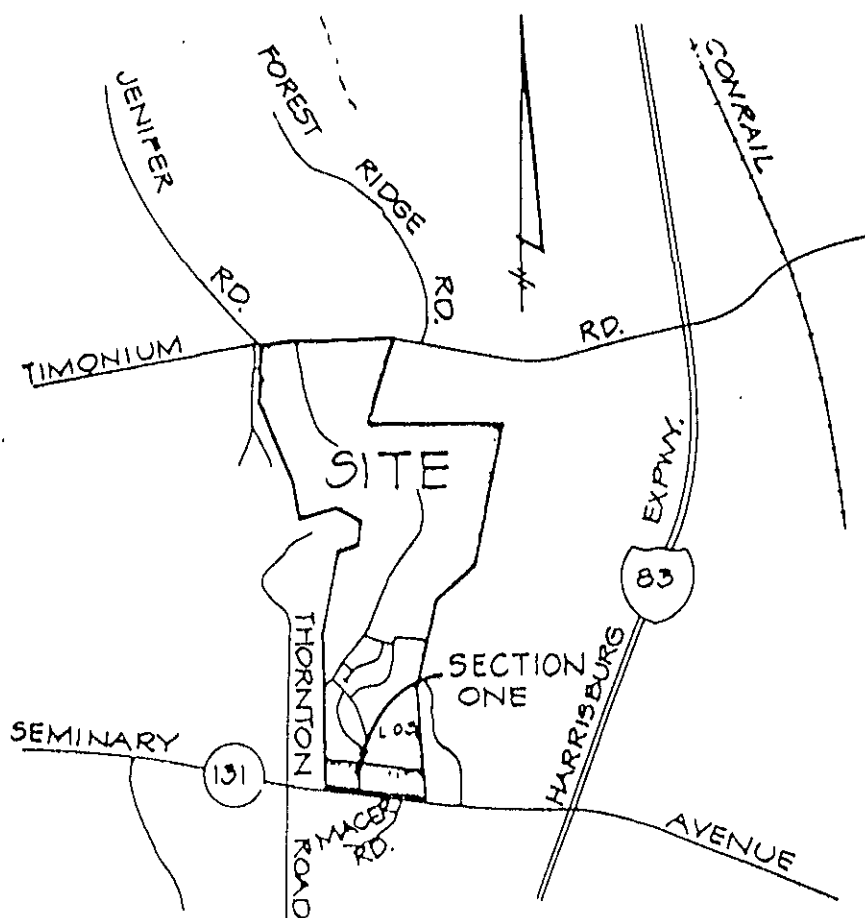


Owner: John F. Owings, Jr. &
Susanne M. Owings
Deed Reference: Liber:011252
Folio: 467
Tax Account # 04-08-1900006842
Scale: 1" = 20'
Zoning: DR 3.5
1"=200' scale map: NW12B
Lot size: .1557 acres
6,782 Square feet
Public Water: yes
Public Sewer: yes
Chesapeake Bay Critical Area: no
Prior zoning hearings: no

308



SEMINARY AVENUE (MD. RTE 131)



8500 WELLINGTON VALLEY WAY
 PADONIA COMPLEX, SECTION I
 PLAT BOOK: 49, FOLIO: 111
 LOT # 9, ELECTION DISTRICT: 8
 BALTIMORE COUNTY, MD 21093
 COUNCILMATIC DISTRICT: Third (3rd)
 Owner: John F. Owings, Jr. &
 Susanne M. Owings
 Deed Reference: Liber:011252
 Folio: 467
 Tax Account # 04-08-1900006842
 Scale: 1" = 20'
 Zoning: DR 3.5
 1"=200' scale map: NW12B
 Lot size: .1557 acres
 6,782 Square feet
 Public Water: yes
 Public Sewer: yes
 Chesapeake Bay Critical Area: no
 Prior zoning hearings: no

3'-0"X5'-0" WINDOWS AND TRIM
TO MATCH EXISTING

NEW GUTTER AND
DOWNSPOUT TO MATCH
EXISTING

EXISTING SIDING TO
REMAIN
EXISTING CORNER TRIM
TO REMAIN

NEW 2'X 3' INSULATING
SKYLIGHT
TRIANGULAR WINDOW
OVER DOOR

NEW GLASS DOOR

EXISTING CONCRETE CURB

APPROXIMATE FINISHED
GRADE
PARGED CMU BELOW WINDOWS

EXISTING PAKE BOARD
NEW PAKE BOARD TO MATCH
EXISTING

NEW HORIZONTAL SIDING
TO MATCH EXISTING

NEW GUTTER AND
DOWNSPOUT TO MATCH
EXISTING

EXISTING SIDING TO
REMAIN

EXISTING CORNER TRIM
TO REMAIN

2 ND FLOOR LINE
New roof shingles
Siding to match existing

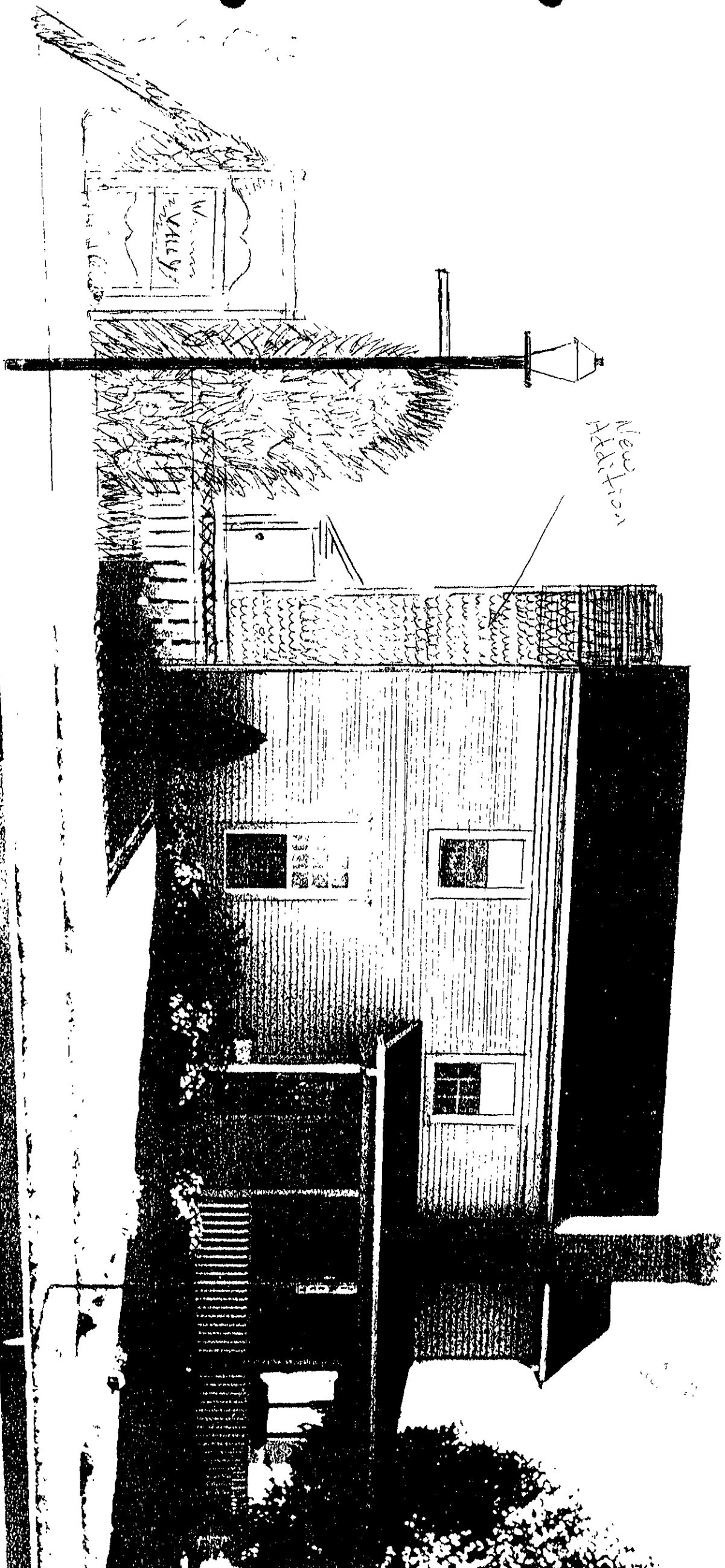
1 ST FLOOR LINE
New Fishscale shingles
to match existing

NEW BASEMENT WINDOWS
APPROXIMATE FINISHED
GRADE

South ELEVATION

1/4"=1'-0"

Handwritten notes and stamps at the bottom left of the page.



New
Addition

East Elevation

HAPPY HOLLOW ASSOCIATES

Receipt

BUYER ACKNOWLEDGES RECEIPT OF THE FOLLOWING:

1. Contract for Lot # 13 including ¹¹ Addendums.
2. Record Plat.
3. Declaration of Covenants, Conditions and Restrictions Relating to Hillsyde Hunt - Section 1.
4. Hillsyde Hunt - Section 1 House Plan Submission Check List.
5. Well Completion Report.
6. Driveway Maintenance & Easement Declaration.
7. Lot Owner responsibility for damages caused during construction.
8. Management Requirements for Forest Buffers (Regulations for the protection of water quality, streams, wetlands and floodplains)
9. Design Review Guidelines, Dated March 15, 1992.

WITNESS:

HAPPY HOLLOW ASSOCIATES

By: _____

John F. Owings, Jr.
JOHN F. OWINGS, JR.

Date 4-1-94

Purchaser

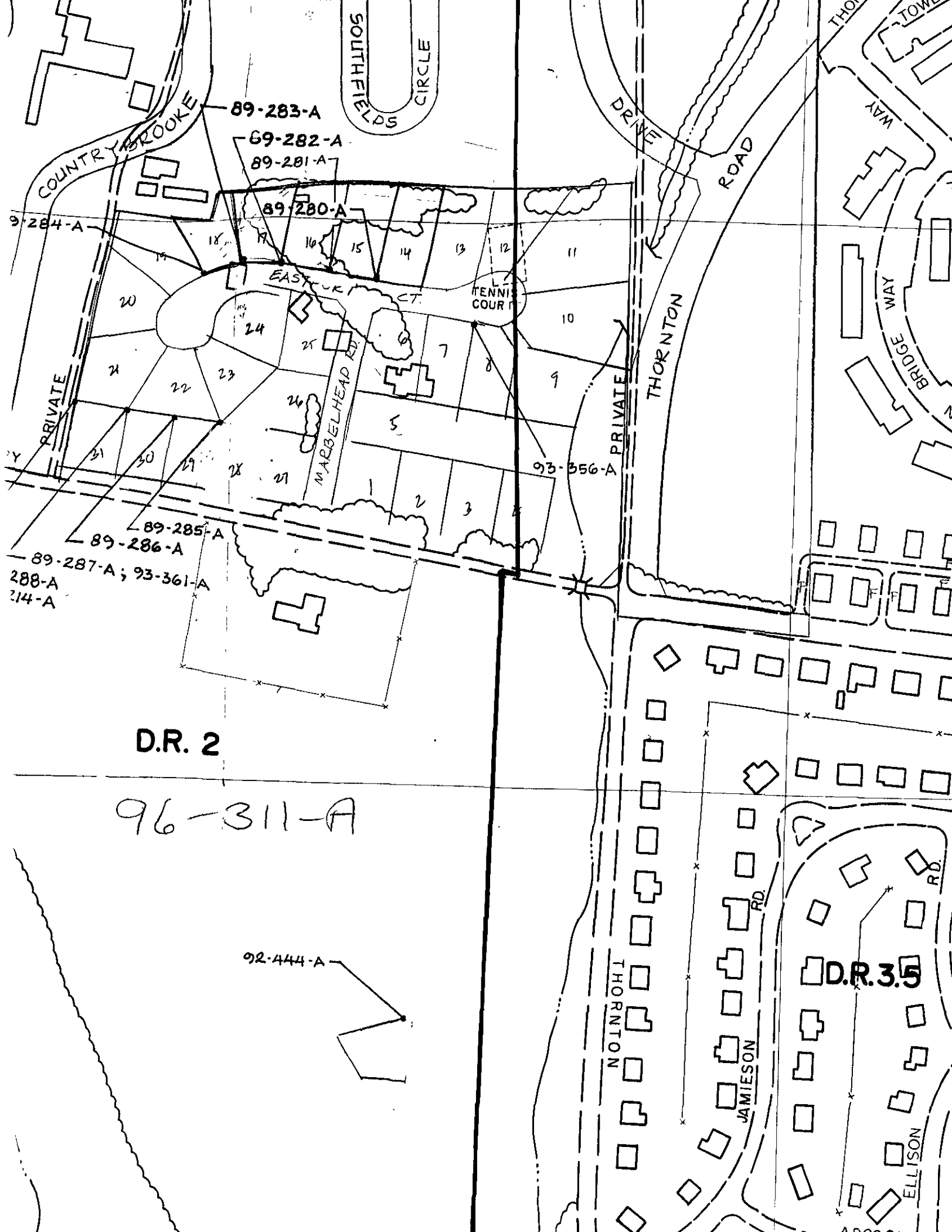
Neal M. Brown

Date 4/1/94

Kausle Brown

Date 4/1/94

JFO-HAPPY HOLLOW
RECEIPT
7/10/91
WP5



89-283-A

69-282-A

89-281-A

89-280-A

9-284-A

89-285-A

89-286-A

89-287-A; 93-361-A

288-A

214-A

93-356-A

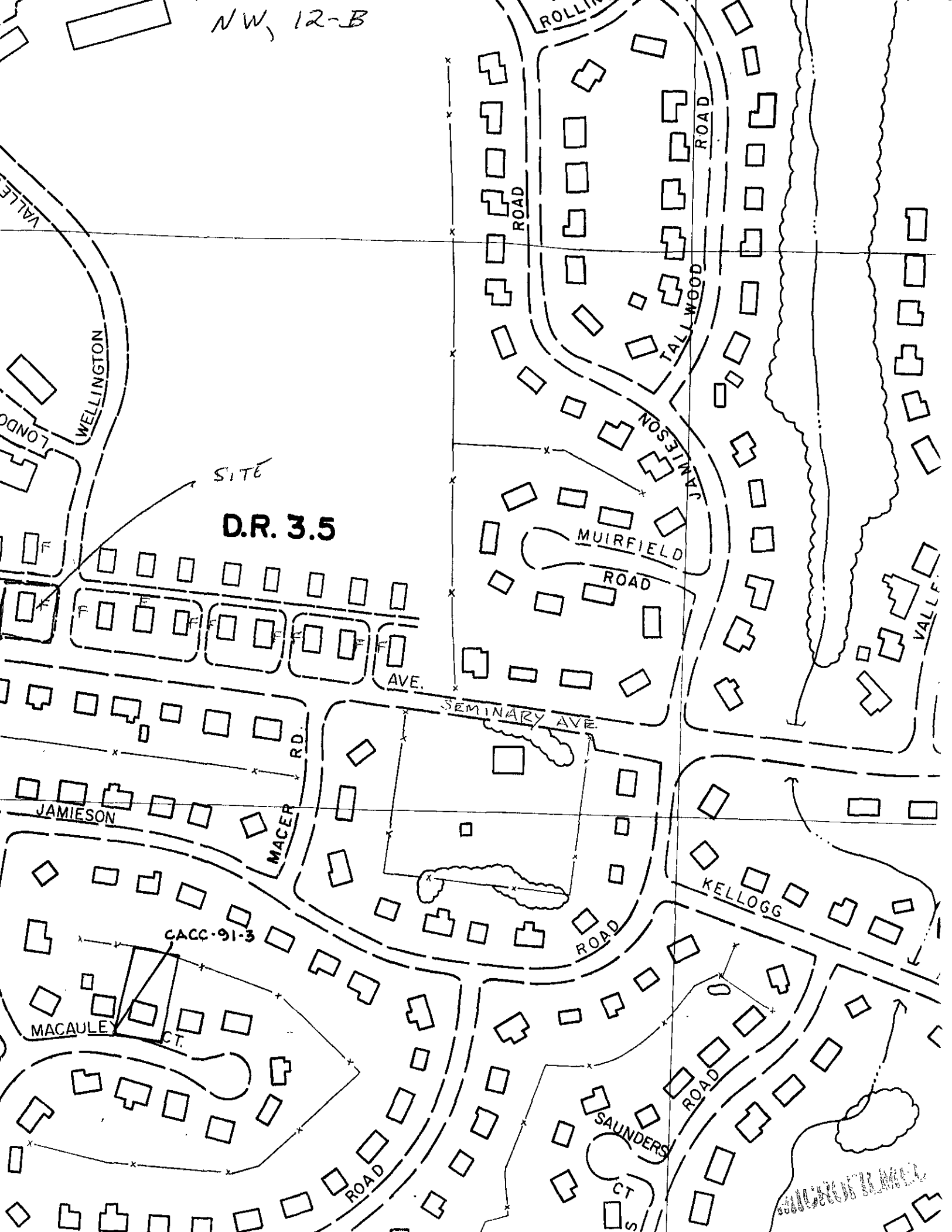
92-444-A

96-311-A

D.R. 2

D.R. 3.5

NW, 12-B



D.R. 3.5

SITE

ROLLING

ROAD

ROAD

TALL WOOD

JAMIESON

MUIRFIELD
ROAD

AVE.

SEMINARY AVE

MACER RD

JAMIESON

CACC-91-3

MACAULEY CT.

KELLOGG

SAUNDERS
CT

ROAD

ROAD

VALLEY

WELLINGTON

LONDON

VALLEY

3'-0"X5'-0" WINDOWS AND TRIM
TO MATCH EXISTING

NEW GUTTER AND
DOWNSPOUT TO MATCH
EXISTING

EXISTING SIDING TO
REMAIN

EXISTING CORNER TRIM
TO REMAIN

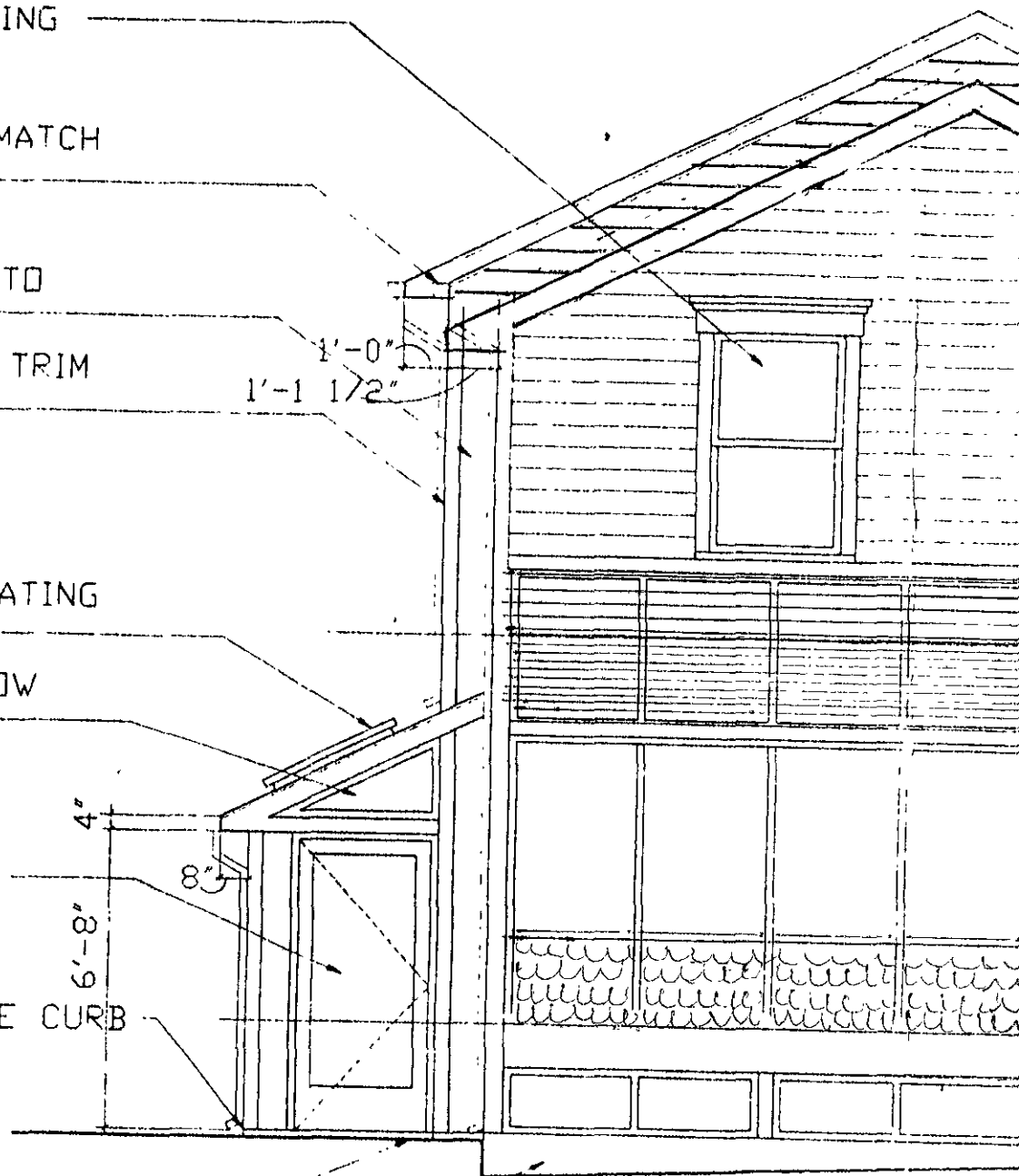
NEW 2'X 3' INSULATING
SKYLIGHT

TRIANGULAR WINDOW
OVER DOOR

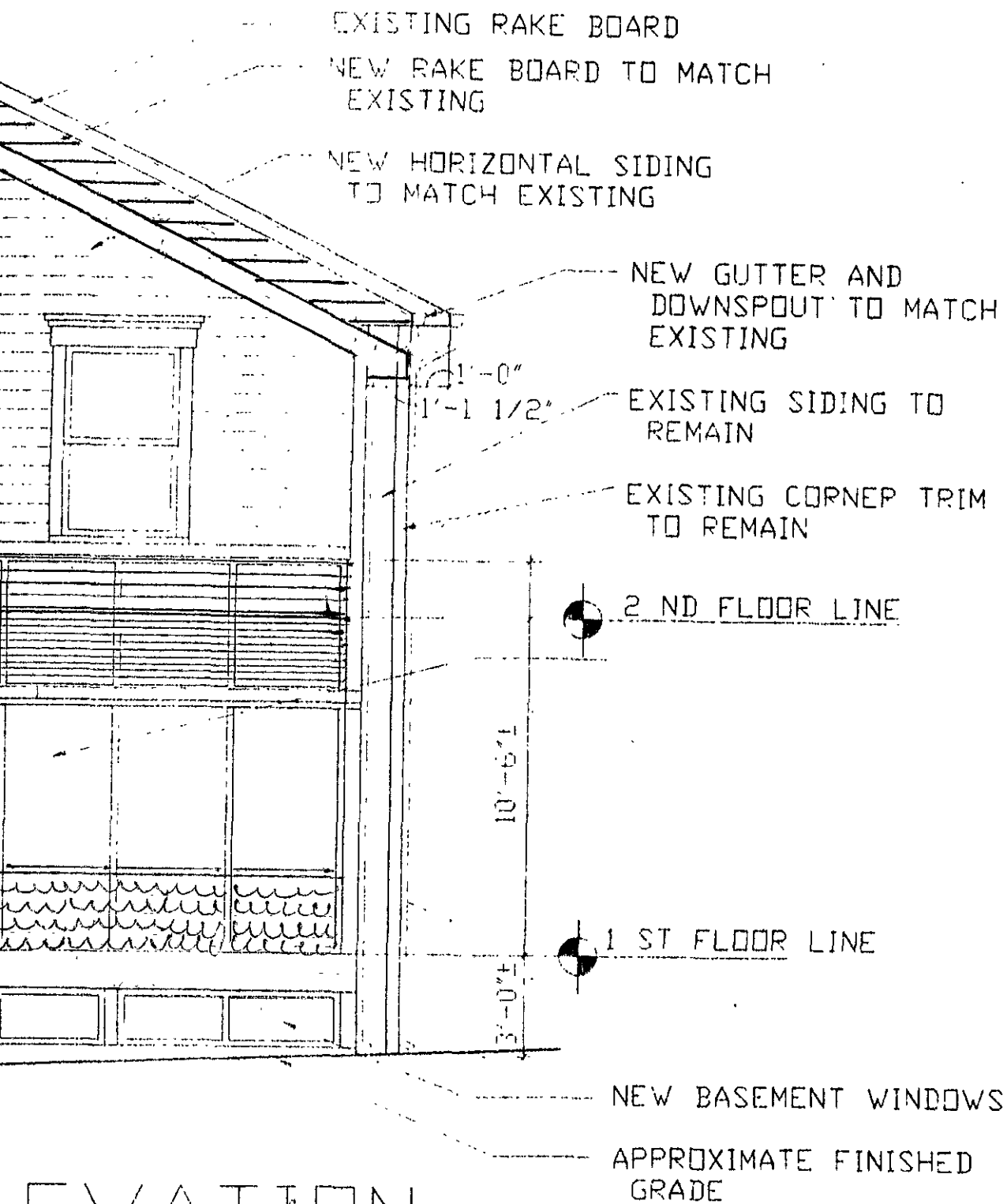
NEW GLASS DOOR

EXISTING CONCRETE CURB

APPROXIMATE FINISHED
GRADE
PARGED CMU BELOW WINDOWS



REAR EL



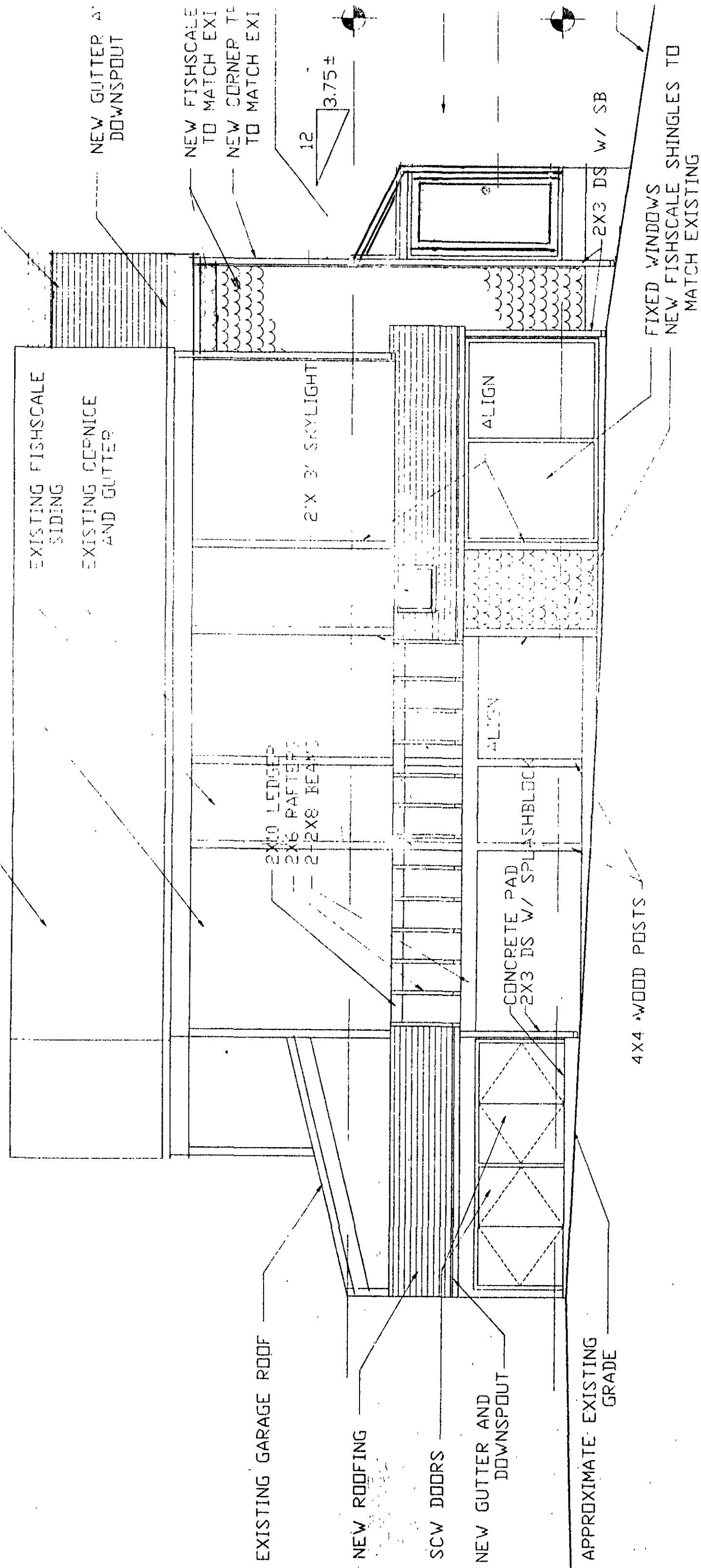
ELEVATION

1/4"=1'-0"

1A

EXISTING HOPIZONTAL SIDING

NEW ROOF



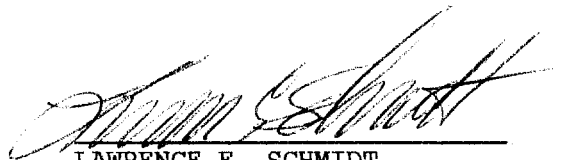
SIDE ELEVATION

Both side elevations identical 1/4"=1'-0"

Revised Request 4-26-96

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1996 that a variance from Section 504 of the BCZR and Sections V.B.6.a and V.B.a of the CMDP to permit an 18 ft. window and building setback in lieu of 25 ft.; and approval of an amendment of the Final Development Plan of Padonia Complex Section I, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

By

4/17/96
M. G. G. G. G.

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Seminary Avenue and W/S * ZONING COMMISSIONER
of Wellington Valley Way *
(8500 Wellington Valley Way) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-311-A
John F. Owings, Jr., et ux
Petitioners * * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter came before the Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, John F. Owings, Jr. and his wife, Susanne M. Owings, seeking relief from Section 504 of the Baltimore County Zoning Regulations (BCZR) and Sections V.B.6.a and V.B.a of the Comprehensive Manual of Development Policies (CMDP) to permit a window to building setback of 18 feet in lieu of the required 25 feet for a proposed addition to the existing dwelling, and an amendment to the Final Development Plan of Padonia Complex Section I, Lot #9 thereof to reflect the proposed improvements, pursuant to the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

For reasons outlined in the Order issued April 17, 1996, the relief requested was denied. Subsequent to the issuance of said Order, this Office received a request for reconsideration from the property owner, and a revised site plan in which the proposed addition had been scaled down. As shown on the revised site plan, which has been marked as Petitioner's Exhibit 1A, the Petitioner now seeks a variance to permit a window to building setback of 22 feet in lieu of the originally requested 18 feet. Furthermore, by letter dated June 4, 1996, the Wellington Valley Homeowners' Association advised this Office that they have reviewed the revised proposal depicted on Petitioner's Exhibit 1A and recommended approval of the modified relief requested.

After due consideration of the revised site plan submitted by the

Petitioner, and the fact that he has obtained approval from the Wellington Valley Homeowners' Association, I am persuaded to grant the Petitioners' request for reconsideration. The revised plan reflects an addition that will be more in keeping with the character and design of the existing home and surrounding community. Furthermore, the modified variance will not be detrimental to the public health, safety or general welfare and meets the spirit and intent of the zoning regulations.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of September, 1996 that a variance from Section 504 of the BCZR and Sections V.B.6.a and V.B.a of the CMDP to permit a window to building setback of 22 feet in lieu of the required 25 feet for a proposed addition, in accordance with the revised site plan marked as Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that an amendment to the Final Development Plan of Padonia Complex Section I, Lot 9 thereof, to reflect the proposed improvements, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a thirty (30) day appeal period runs from the date of this Amended Order during which time any party may file an appeal of this decision. Therefore, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Amended Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES/bjs

cc: Mr. & Mrs. John F. Owings, Jr., P.O. Box 295, Owings Mills, Md. 21117
Mr. William Thomas, 8501 Wellington Valley Way, Lutherville, 21093
Ms. Lynn Kahlenberg, Brodie Management, P.O. Box 6829, Towson, 21285
People's Counsel; Case File

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Seminary Avenue and W/S * ZONING COMMISSIONER
of Wellington Valley Way *
8500 Wellington Valley Way * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 96-311-A
John F. Owings, Jr., et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8500 Wellington Valley Way in the Wellington Valley subdivision in Lutherville. The Petition is filed by John F. Owings, Jr. and Susanne M. Owings, property owners. Variance relief is requested from Section 504 of the Baltimore County Zoning Regulations (BCZR) and Sections V.B.6.a and V.B.a of the Comprehensive Manual of Design Policy (CMDP) to permit an 18 ft. window and building setback in lieu of the 25 ft. required. The Petition for Variance also requests an amendment of the Final Development Plan of Padonia Complex Section I.

Appearing at the public hearing held for this case was John F. Owings, Jr., co-Petitioner/property owner. Also appearing in support of the Petition was William Thomas, a neighbor. The Petitioners were represented by Lloyd J. Hammond, Esquire. There were no Protestants or other interested persons present. However, a letter in opposition to the request was received from Lynn Kahlenberg, of Brodie Management, Inc., on behalf of the homeowners association which governs this property.

Testimony and evidence presented by Mr. Owings is that he and his wife purchased the subject property approximately 6 months ago. However, they have not moved in and do not now reside therein. The subject site is approximately .1557 acres in area, zoned D.R.5.5. The property is located on the northwest corner of the intersection of Seminary Avenue (Md. Route 131) in Wellington Valley Way in Lutherville. The property is improved

ORDER RECEIVED FOR FILING
Date 9/16/96
By [Signature]

with a two story brick and frame dwelling which fronts Wellington Valley Way. The site also features an attached garage and vehicular access to the property is by way of a common driveway on the northern side of the site. Apparently, the house is approximately 11 years old.

Mr. Owings further testified that he and his wife desire to make significant improvements to the property. A sunroom is proposed to be constructed on the southern side of the house, facing Seminary Avenue. This sunroom will be approximately 12 ft. x 22 ft. in dimension and will extend along approximately the entire side of the house. In addition to this single story sunroom, improvements will also be made to the second story of the house on that side. Specifically, the exterior wall will be moved out a dimension of approximately 4 ft. thereby providing additional living space to two bedrooms which are upstairs. In addition to the sunroom and bedroom additions, further improvements will be made to the exterior of the house on that side of the dwelling. These improvements are more particularly shown on elevation drawings which were submitted to the Zoning Commissioner by Mr. Owings at the hearing.

Mr. Thomas resides next door and spoke briefly at the hearing. He indicated that he had no objection to the requested relief. However, as noted above, a letter was received from Brodie Management, Inc. The letter indicates that Mr. and Mrs. Owings' plans were submitted to the Architecture and Environmental Review Committee of the Wellington Valley Homeowners Association. That committee referred the matter to the Board of Directors of the community association which has denied approval under the property covenants for the sunroom and greenhouse addition. Certain of the other exterior improvements were approved.

As I indicated at the hearing, the Zoning Commissioner has no authority to interfere or interpret the covenants and community associations'

ORDER RECEIVED FOR FILING
Date 9/16/96
By [Signature]

responsibilities. My role is limited to an interpretation and application of the BCZR. Nonetheless, it was clear that the Petitioners must obtain both zoning relief, as well as approval from the community, in order to make the necessary improvements.

As to the zoning relief requested, the Zoning Commissioner must be guided by Section 307 of the BCZR and the case law which has construed same. The law of variances requires that the Petitioner demonstrate that he and his property would suffer a practical difficulty or undue hardship if the relief requested were denied. Moreover, the Petitioner must demonstrate that relief can be granted without adverse impact to the surrounding locale.

The variance statute in Baltimore County was comprehensively discussed by the Court of Special Appeals of Maryland recently in Cromwell v. Ward, 102 Md. App. 691 (1995). In that case, the Court noted that variances cannot be justified for reasons by mere convenience. Rather, relief can only be approved upon the showing that significant detriment would result to the property owner.

At the hearing, it was clear that the Petitioner either did not understand this requirement or was unable to address same. There was no evidence offered by the Petitioner to meet the legal requirements set forth above. When questioned why such relief should be granted, the Petitioner merely indicated that he and his wife desire more living space. There was no indication that he and his family have outgrown the house. To the contrary, apparently the Petitioners do not have children at home and, more importantly, do not, as yet, reside in the property.

Based upon the testimony and evidence offered, it is clear that the Petition cannot be granted. Simply stated the Petitioners have failed to satisfy their burden of proof and relief must be denied.

ORDER RECEIVED FOR FILING
Date 9/16/96
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1996 that a variance from Section 504 of the BCZR and Sections V.B.6.a and V.B.a of the CMDP to permit an 18 ft. window and building setback in lieu of 25 ft.; and approval of an amendment of the Final Development Plan of Padonia Complex Section I, be and is hereby DENIED.

LES/mm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/16/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 17, 1996

Mr. and Mrs. John F. Owings, Jr.
P.O. Box 295
Owings Mills, Maryland 21117

RE: Case No. 96-311-A
Petition for Zoning Variance
Property: 8500 Wellington Valley Way, Lutherville

Dear Mr. and Mrs. Owings:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.
c: Mr. William Thomas, 8501 Wellington Valley Way, Lutherville, 21093



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 8500 Wellington Valley Way, Lutherville, MD 21093 which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504 (V.B.6.a & V.B.a) to permit an 18' window and building setback in lieu of 25' and amend the FOP of Padonia Complex, Section I.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) We would like to increase our living space so as not to move to a larger home. Attached please find a copy of the Wellington Valley Homeowner Association's Architectural Committee's preliminary approval letter for subject sun room addition.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

(Print or Print Name)

Signature

Address

City

Attorney for Petitioner

(Type or Print Name)

Signature

P.O. Box 569, 813-7576

Address

Reisterstown, MD 21136

City

State

Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that true and a legal owner(s) of the property which is the subject of this Petition.

John F. Owings, Jr.

Signature

Susanne M. Owings

Signature

P.O. Box 295, 813-1187

Address

Owings Mills, MD 21117

City

Name, Address and phone number of representative to be contacted

John F. Owings, Jr.

P.O. Box 295, Owings Mills, MD 21117

Address

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

Next Two Months

REVIEWED BY: [Signature] DATE: 2/14/96

Brodie
Management
INC

January 16, 1996

96-311-A

Mr. and Mrs. John F. Owings, Jr.
8500 Wellington Valley Way
Lutherville, Maryland 21093

Dear Mr. and Mrs. Owings:

Your request to the Architectural Committee for approval of a sun room addition, storage shed, and to enclose the outside stairwell and attach same by a trellis roof to the storage shed has been approved in concept pending receipt of detailed construction drawings. Pickets are to be installed at the ceiling of the front porch between the railing posts to match the railing below (12" maximum height).

Detailed construction plans along with color data sheets for all of the improvements are to be submitted for approval prior to the start of work.

Any deviations from the approval as noted on this letter may be deemed to be a violation of the Wellington Valley governing documents and may need to be corrected.

If you have any questions, please contact Brodie Management at 825-6060.

Very truly yours,

Architectural Committee
Wellington Valley
Homeowners Association, Inc.

/pw

Enclosures:

Approved Architectural Request
General Conditions

File: Wellington Valley/Unit File

Please reply: P.O. Box 6829 • Towson, Maryland 21286-6829 • (410) 825-6060
Jellison Building • Suite 305 • 305 W. Chesapeake Avenue • Towson, MD 21204 • Fax: (410) 296-1289

01-15-96 09:52 2110 7 585

WC PINKARD

2003/008

WELLINGTON VALLEY HOMEOWNER ASSOCIATION
REQUEST FOR APPROVAL

HOMEOWNER NAME: John F. & Susanne M. Owings
ADDRESS: 8500 Wellington Valley Way
PHONE NUMBERS: 833-1187 (DAY) 833-1187 (EVENING)

DATE OF SUBMISSION: December 11, 1995

REQUEST: To build a sun room addition, to build an attached storage shed for lawn mower, and to enclose the outside stairwell and attach same by a trellis roof to the storage shed, to add pickets & railing of front porch between railing posts to match railing below (12" max. hgt.). DESCRIPTION (be sure to include specific details, measurements, color, shape, pictures or location, materials, style, drawings, etc.) Note: check by-laws for specifications.

When our concept plans are approved (sheets A1, A2 & A3 attached here-to) we will submit detailed construction plans along with color data sheets for all of the improvements for final approval.

DATE(S) OF COMMENCEMENT AND COMPLETION: Spring 1996

COPY(S) OF ADDITIONAL PERMITS NEEDED (if applicable):

ADDITIONAL INFORMATION: Two sets of concept drawings sent to Ms. Wendy Whitridge, 20 Southwick Bridge Way, Lutherville, MD 21093.

PLEASE MAKE THREE COPIES OF YOUR REQUEST, DRAWINGS, SAMPLES, ETC., AND SEND THEM TO THE BRODIE MANAGEMENT CO., P.O. BOX 6829, TOWSON, MD 21286-6829. BE SURE TO KEEP A COPY OF THE REQUEST AND THE COMMITTEE'S RESPONSE FOR YOUR FILES. PLEASE NOTIFY BRODIE WHEN THE WORK IS COMPLETED SO THAT IT MAY BE VERIFIED WITH THE REQUEST AND FOLLOWED UP WITH AN INSPECTION BY THE ARCHITECTURAL COMMITTEE.

02-12-1996 08:25AM FROM WILLIAM E DOYLE PL88440 TO 8338998 P.01

William E. Doyle

3312 CHERALD DRIVE BYRKEVILLE, MARYLAND 21784 PHONE (301) 726-2810

ZONING DESCRIPTION FOR 8500 WELLINGTON VALLEY WAY

Beginning at a point on the west side of Wellington Valley Way, which is 50 feet wide at a distance of 40 feet north of the centerline of the nearest improved intersecting street, Seminary Avenue, which is 80 feet wide. Being lot #8, Section 1 in the subdivision of Padonia Complex as recorded in Baltimore County Plat Book #49 Folio # 111. Containing 8,782 Square Feet. Also known as 8500 Wellington Valley Way and located in the 8th Election District, 3rd Councilmanic District.

96-311-A

308

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: _____
Posted for: _____
Petitioner: _____
Location of property: _____
Location of Sign: _____
Remarks: _____
Posted by: _____ Date of return: _____
Number of Signs: _____

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning change for the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Thursday, March 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 96-311-A
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic District
Legal Owner: John F. Owings, Jr. and Susanne M. Owings
Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.
Hearing: Thursday, March 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, contact this office at 887-3331.
2007679 CDM

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/29, 1996.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

post by: 3/6/96

CASE NUMBER: 96-311-A (Item 308)
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic District
Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

HEARING: THURSDAY, MARCH 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 308 Petitioner: John F. Owings & Susanne M. Owings

Location: 8500 Wellington Valley Way

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John F. Owings, Jr.

ADDRESS: P.O. Box 295, Owings Mills, MD 21117

PHONE NUMBER: 833-1187

TO: FUTURE PUBLISHING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

John F. Owings, Jr.
P. O. Box 295
Owings Mills, MD 21117
833-1187

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-311-A (Item 308)
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic District
Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

HEARING: THURSDAY, MARCH 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3331.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-311-A (Item 308)
8500 Wellington Valley Way
N/S Seminary Avenue and W/S Wellington Valley Way
8th Election District - 3rd Councilmanic District
Legal Owner: John F. Owings, Jr. and Susanne M. Owings

Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FDP of Padonia Complex, Section 1.

HEARING: THURSDAY, MARCH 21, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: John F. Owings, Jr.
Lloyd J. Hammond, Esq.

NOTES: (1) ZONING STEPS & FEES MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3331.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 2/14/96 ACCOUNT: 01-615
BY: [Signature] AMOUNT: \$ 15.00

RECEIVED FROM: Owings, John F. - 8500 Wellington Valley Way
010 - Rev. Ser. - \$ 5.00
030 - Rp. Maint. - \$ 5.00
040 - Twp. J. - \$ 5.00

FOR: 0349180159N1CHNC \$135.00
BA 000153F002-14-96



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 14, 1996

Lloyd J. Hammond, Esquire
P.O. Box 569
Reisterstown, MD 21136

RE: Item No.: 308
Case No.: 96-311-A
Petitioner: J.F. Owings, et ux

Dear Mr. Hammond:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 14, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Items 305, 306, 308, 309, 310, 313, 314

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

ZONECOMM.396

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 29, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 305, 306, 307, 308, 310, 311, 313, 314, and 315

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: David L. Keene

PK/JL

ITEM305A/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 26, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 305, 306, 307, 308, 311, 312, 313, 314 & 315.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 6-7-96
OEA: 810
HISTORIC DISTRICT/BLDG.:

PERMIT: 1026 Seminary Ave
RECEIPT: 1026 Seminary Ave
CONTROL: 1026 Seminary Ave
XREF: 1026 Seminary Ave

PROPERTY ADDRESS: 1026 Seminary Ave
SUBDIV: 1026 Seminary Ave
TAX ACCOUNT #: 1026 Seminary Ave
OWNER'S INFORMATION (LAST, FIRST): 1026 Seminary Ave
NAME: 1026 Seminary Ave
ADDR: 1026 Seminary Ave

APPLICANT INFORMATION
NAME: 1026 Seminary Ave
COMPANY: 1026 Seminary Ave
STREET: 1026 Seminary Ave
CITY, STATE, ZIP: 1026 Seminary Ave
PHONE: 1026 Seminary Ave
SIGNATURE: 1026 Seminary Ave
PLANS: 1026 Seminary Ave
TENANT: 1026 Seminary Ave
ENGINEER: 1026 Seminary Ave
SELLER: 1026 Seminary Ave

TYPE OF USE
RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE OF CONSTRUCTION
1. WOOD FRAME
2. CONCRETE
3. STEEL
4. OTHER

TYPE OF HEATING FUEL
1. GAS
2. OIL
3. ELECTRICITY
4. OTHER

TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM
2. PRIVATE SYSTEM
3. OTHER

ESTIMATED COST: \$100,000
ESTIMATED COST: \$100,000
ESTIMATED COST: \$100,000

OWNER'S INFORMATION
1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY
1. DETACHED
2. SEMI-DET.
3. GROUP
4. TOWNHOUSE
5. MIDRISE
6. HIGHRISE

GARBAGE DISPOSAL
1. YES
2. NO
3. YES
4. NO

APPROVAL SIGNATURES
DATE



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 308 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

PETITION PROBLEMS

#308 --- MJK

1. No signature for attorney on petition form.

#311 --- JLL

1. Notary section is incomplete.

Legal Owner: John F. Owings, Jr. and Susanne M. Owings
Variance to permit a 15 foot window and building setback in lieu of 25 feet and to amend the FIP of Pakenia Complex, Section 1.

(Item 309)
No Specific Site
Petitioner: Price/Coston, Inc.

Special Hearing to approve a Price Club as a use permitted as a right in a B.L. zone.

(Item 310)
Royalty Circle at its intersection with Village Green Drive
3rd Election District - 2nd Councilmanic
Legal Owner: 150, Ltd. and The OW Group, LLC

Special Hearing to approve the 8th Amended Final Development Plan of Queen Anne Village Addition, Section 2, for 40 townhouses instead of the 64 back-to-back townhouses approved previously.

(Item 312)
2418 Poplar Road
2/5 Poplar Road, 2000 +/- S of c/l Silver Lane
15th Election District - 7th Councilmanic
Legal Owner: David S. Maxwell and Katherine E. Maxwell

Variance to permit a dwelling with a 10 foot side yard setback in lieu of the required 50 feet, to permit a detached accessory structure (garage) with a 25-foot height in lieu of the maximum permitted 15 feet; and to approve an underlaid lot with any other variances deemed necessary by the zoning commission.

(Item 313)
3106 Avenue A
N/S Avenue A, 165 +/- W of c/l Ross Road
15th Election District - 6th Councilmanic
Legal Owner: John M. Taylor

Variance to allow an existing detached deck located in the front in lieu of the rear of the dwelling and a side yard setback of zero in lieu of the required 2.5 feet.

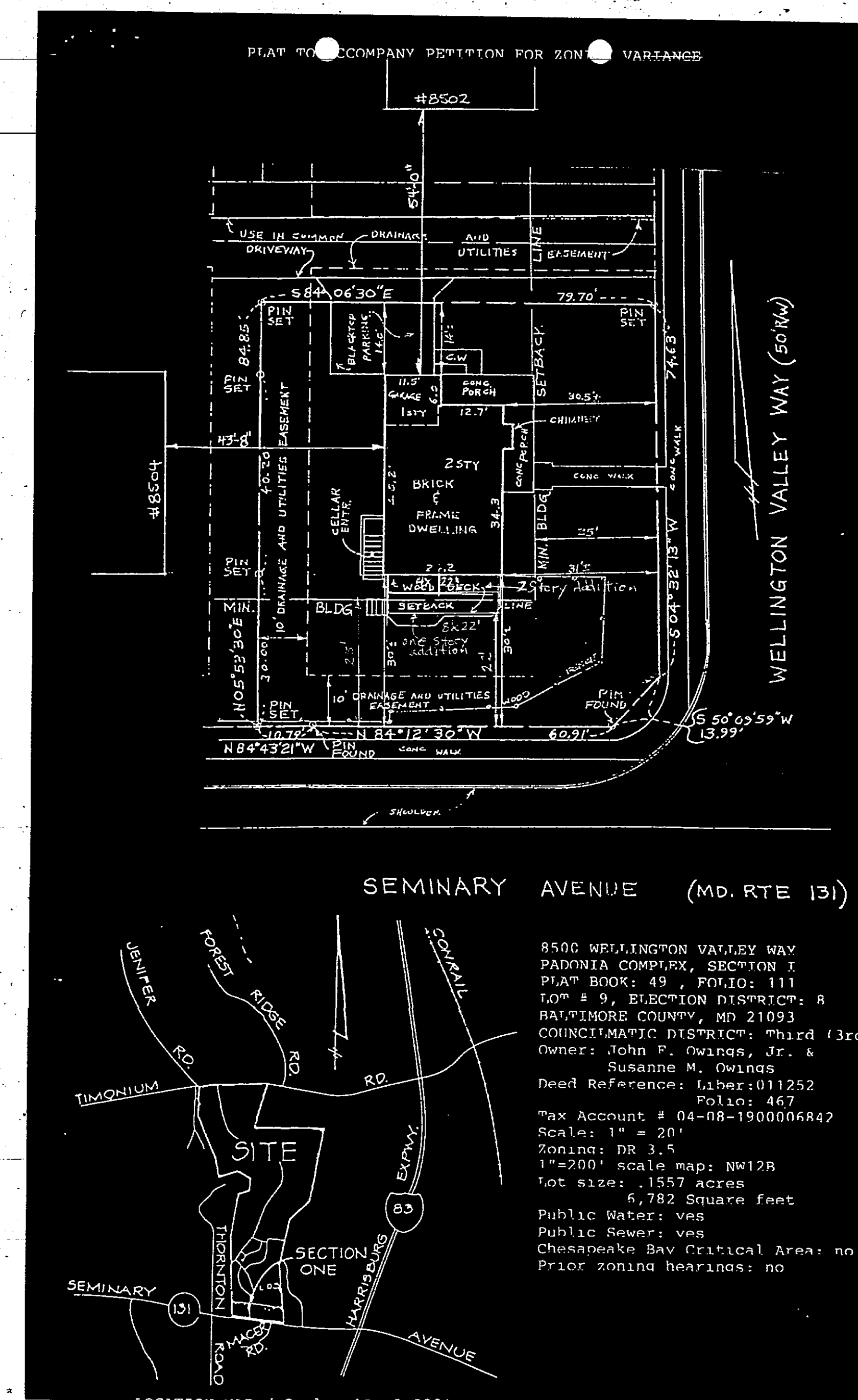
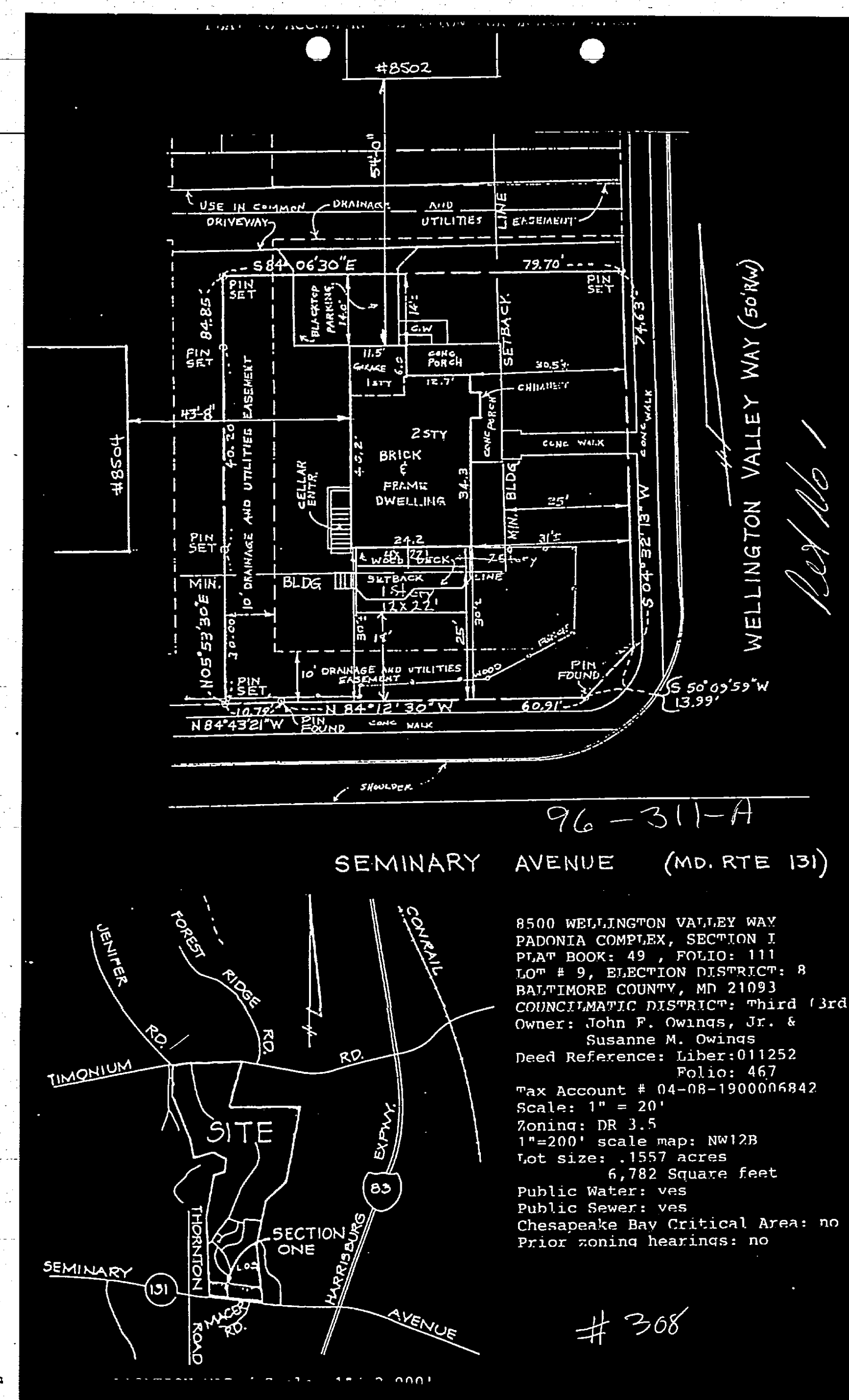
(Item 315)
1009 Maple Road
1009 Maple Road
15th Election District - 5th Councilmanic
Legal Owner: Gerald Elmerth Jones

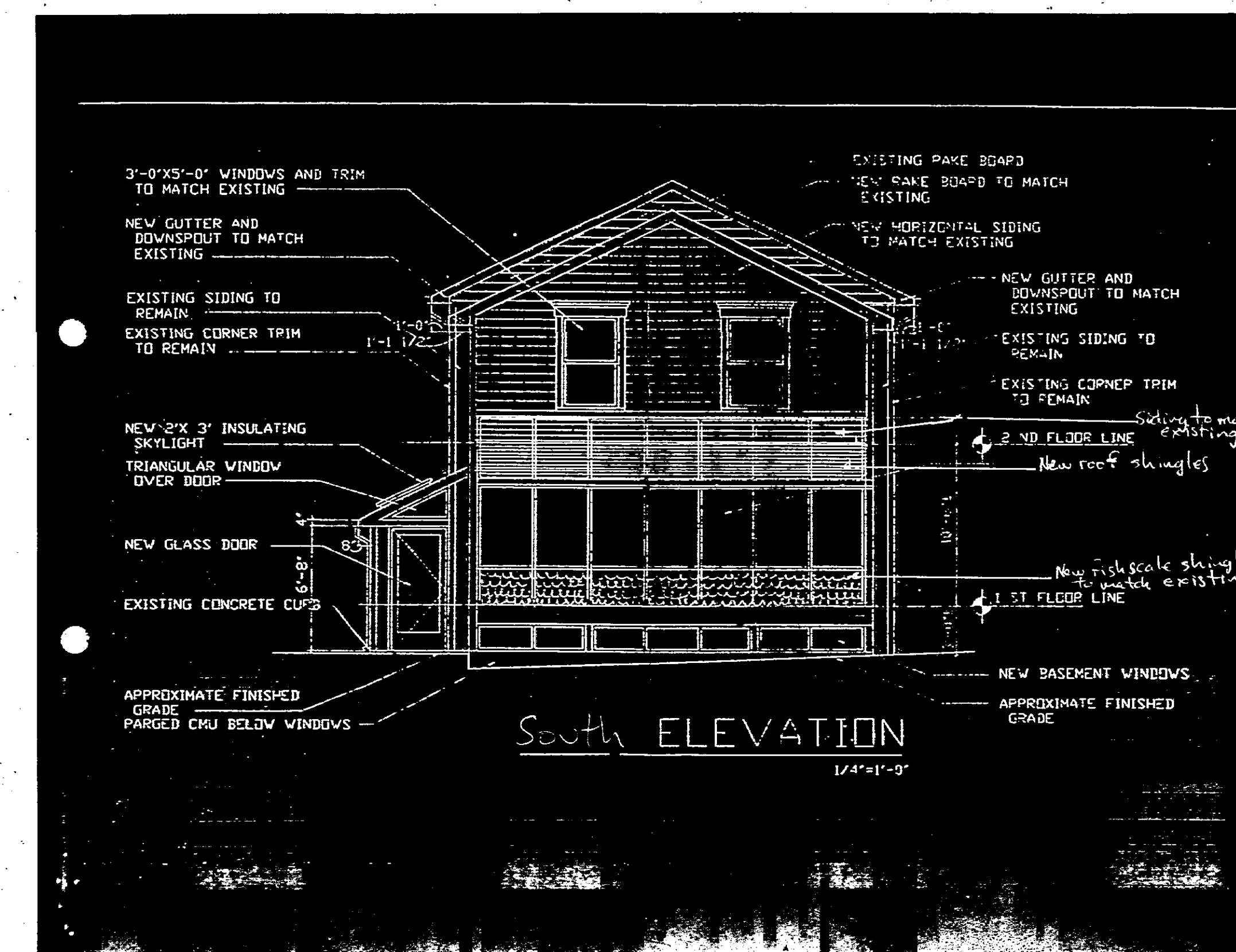
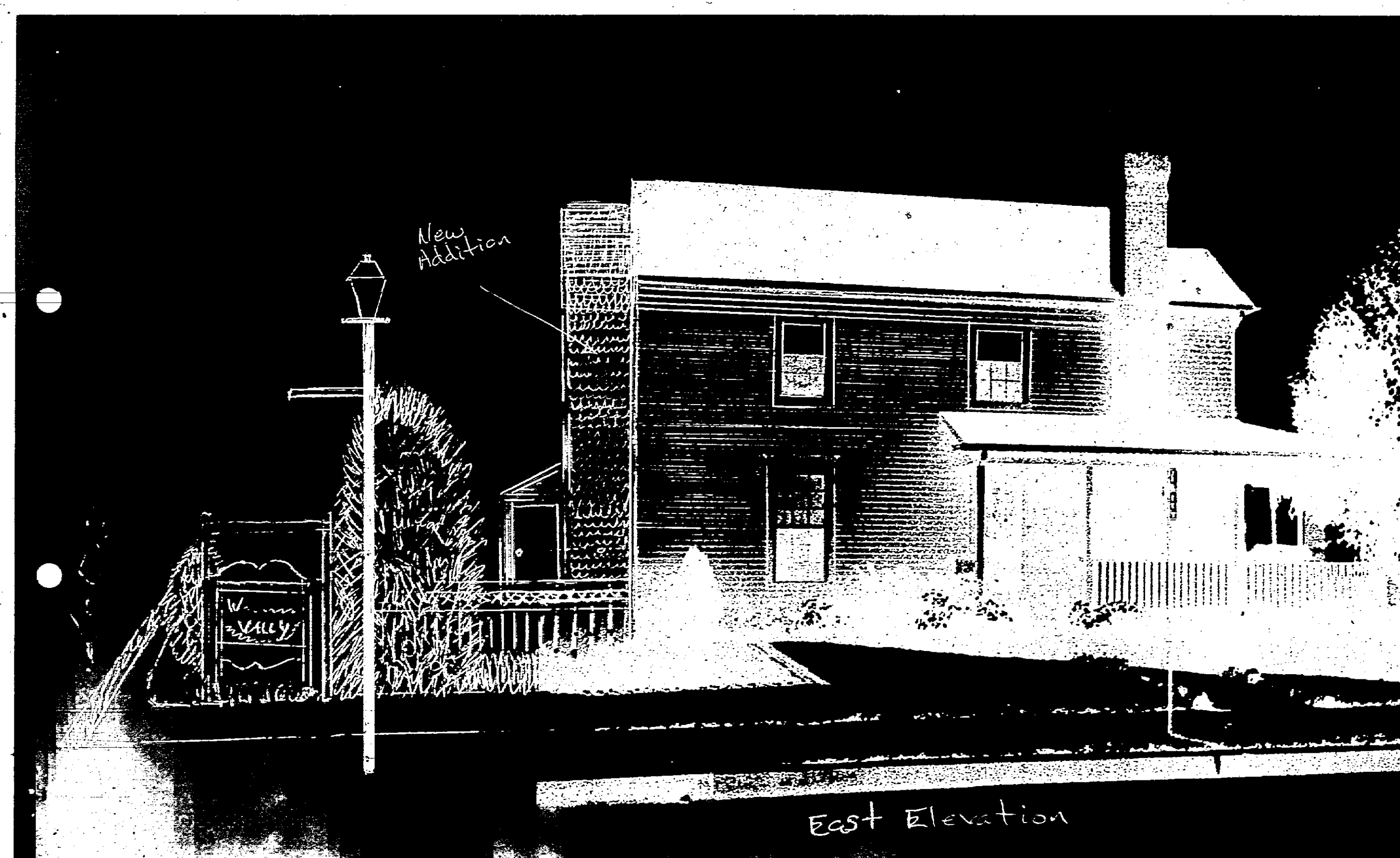
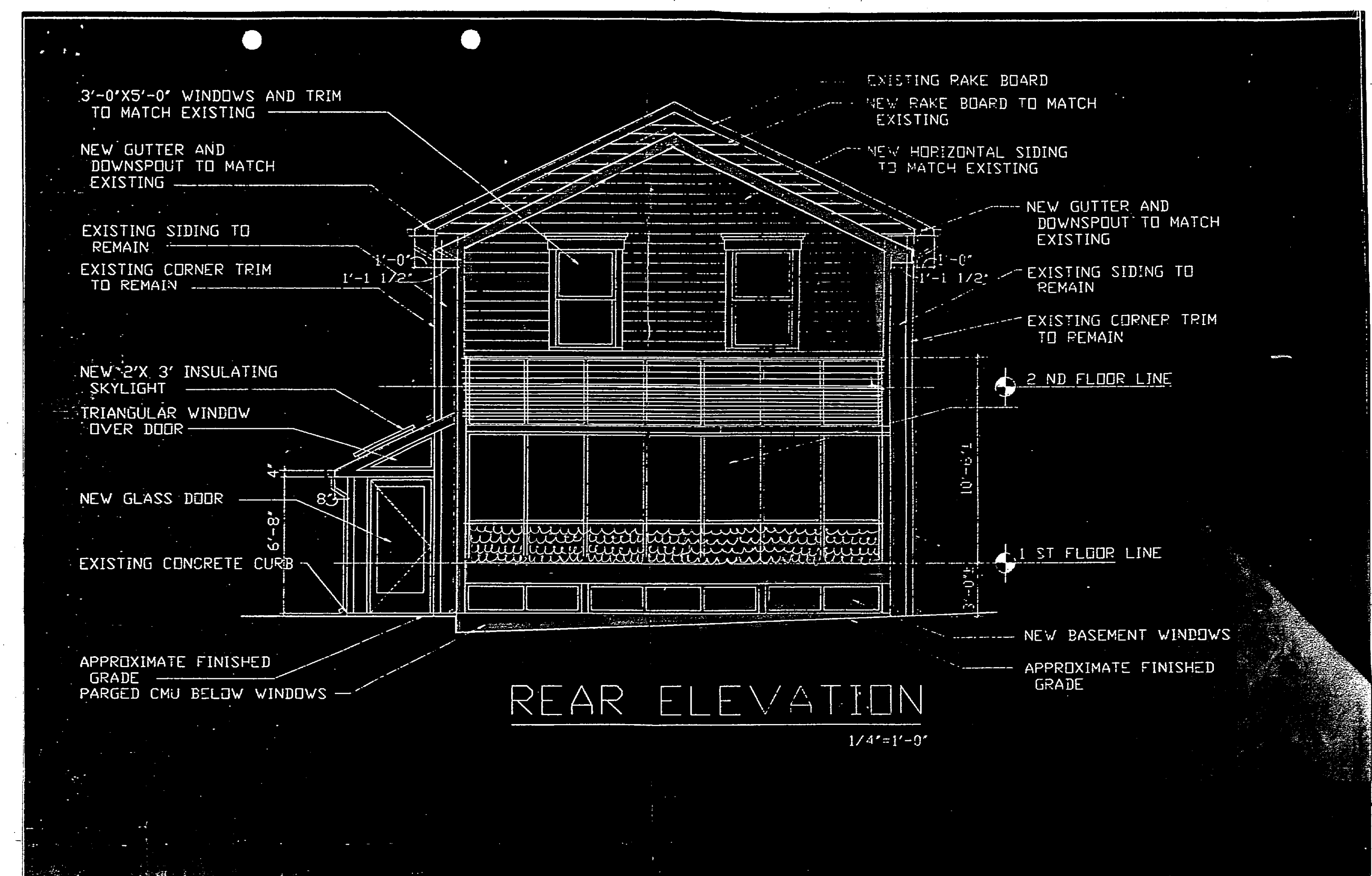
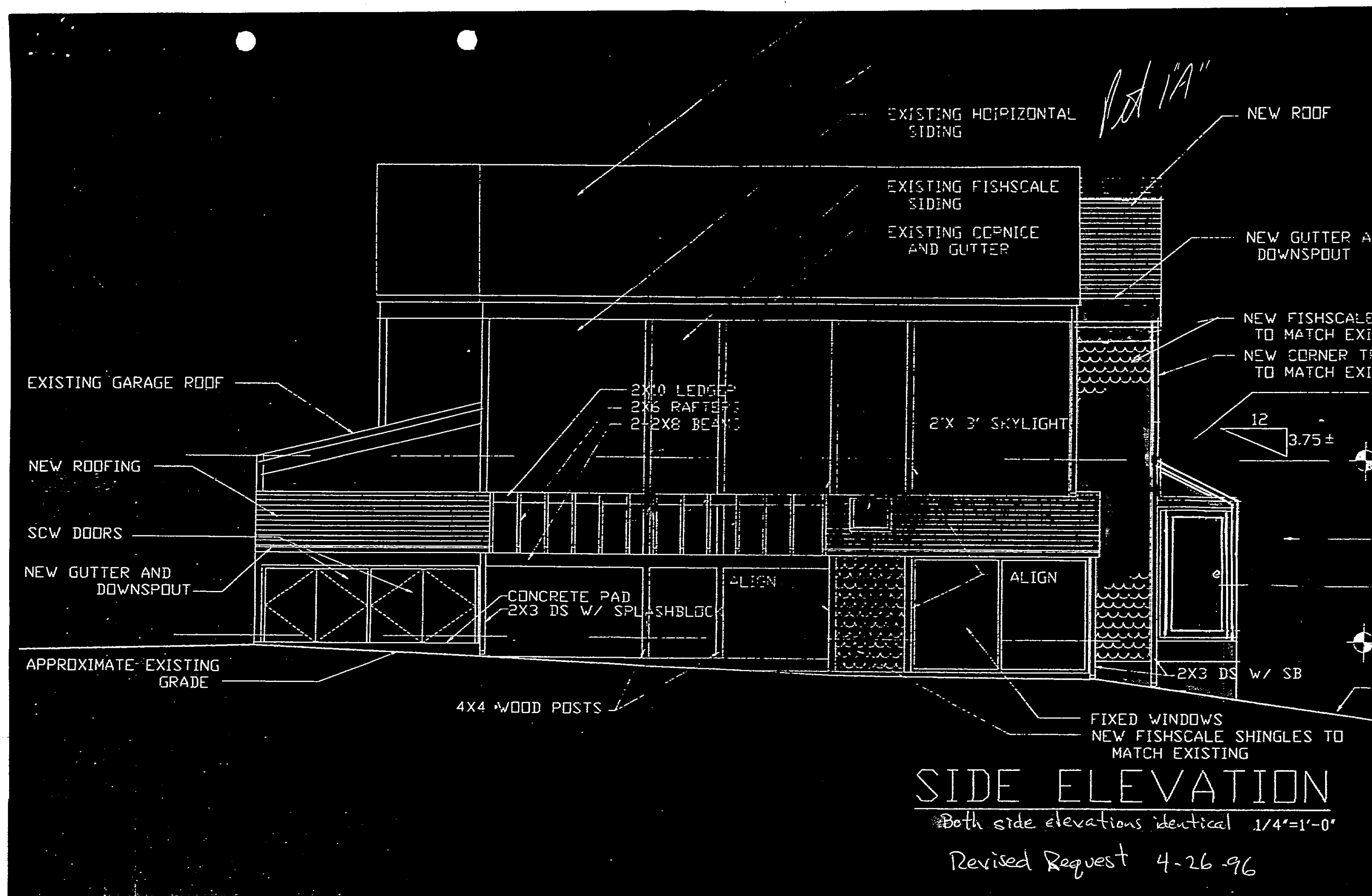
Variance to allow a proposed dwelling with a 15 foot setback to street centerline and a side setback of 45 feet to the street centerline in lieu of the minimum required 75 feet.

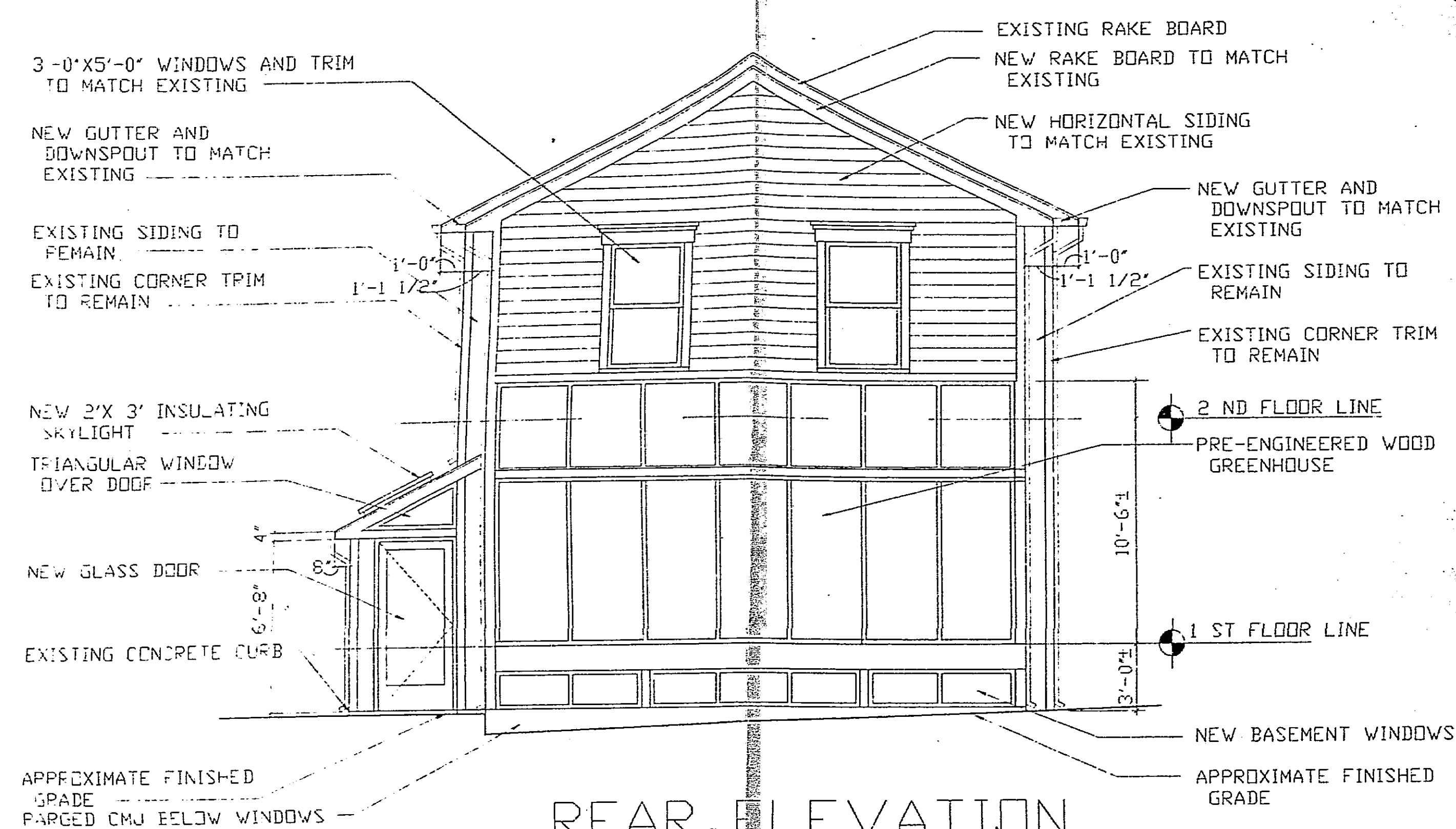
VIOLATION HEARING
CASE NUMBER: 7-96-300-02H
2800 Shepherd Road
"The New Farm Road Ranch"
10th Election District - 3rd Councilmanic
Legal Owners (Current and Former): Joyce Dear, Alice Brown, and Roger Brown

Special Hearing to determine whether golf, horseshoe riding, barriers; sports such as archery, croquet, volleyball, ping pong, pinball, pool, horseshoes, also, campfires, bar-b-q's, country dancing, talent shows, restaurant, hotel, bed and breakfast lease or inn are used permitted either individually or collectively for a commercial purpose within the spirit and intent of the B.C.Z.R.7

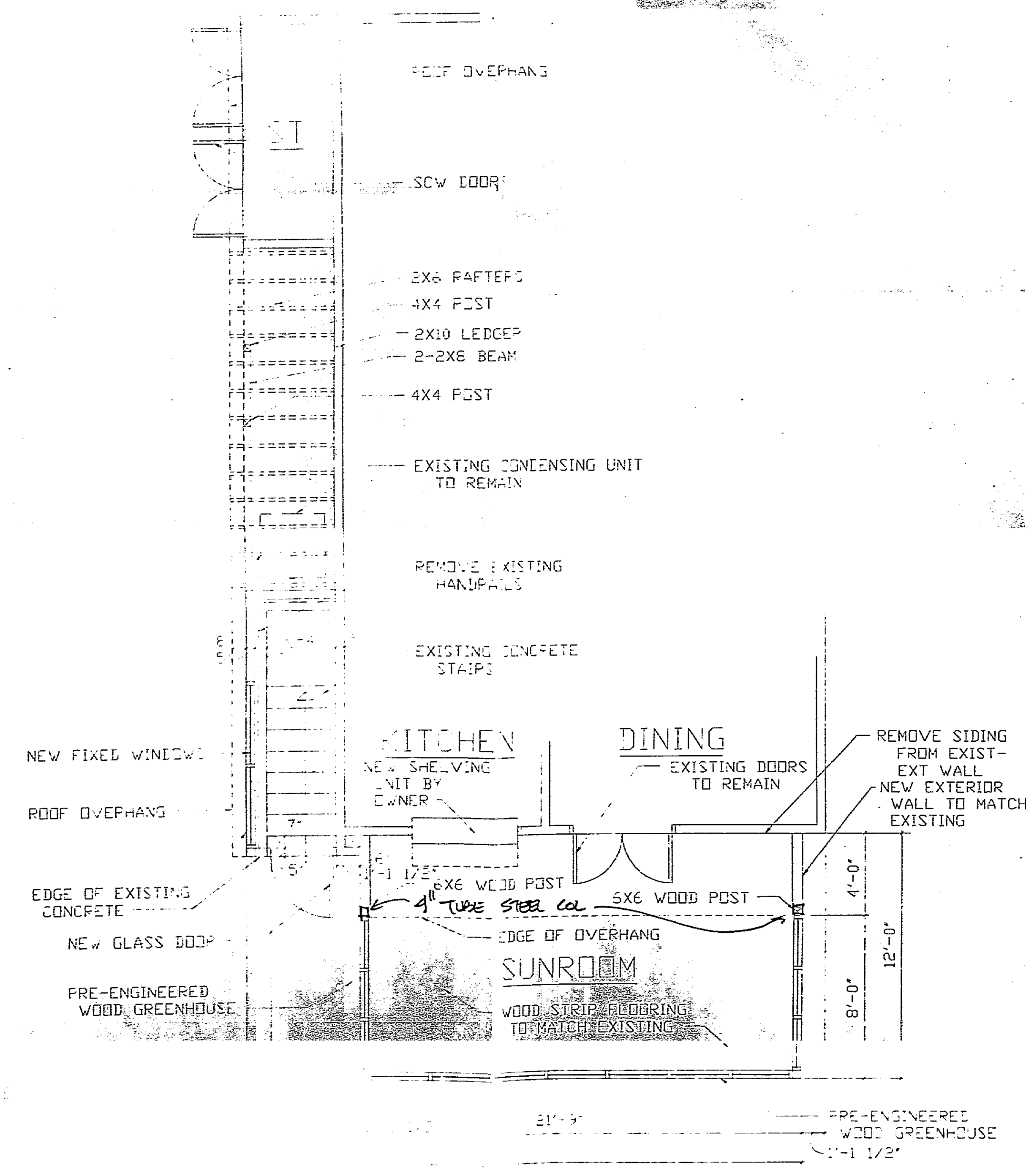
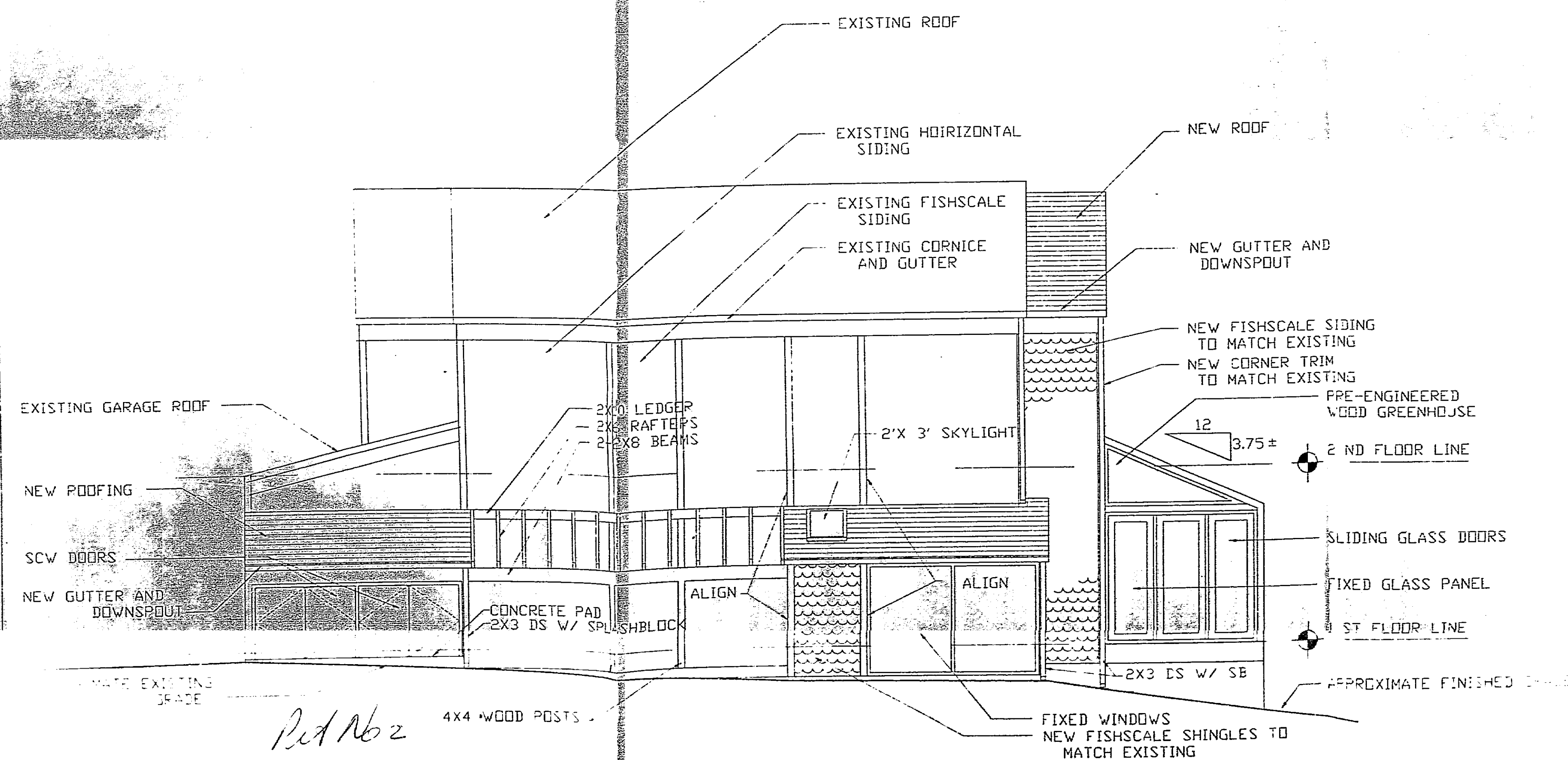
HEARING: THURSDAY, MARCH 28, 1996 at 9:00 a.m. in Room 118, Old Courthouse.







REAR ELEVATION
1/4"=1'-0"



JAMES R SCHNEIDER AIA

609 SUNSPOT RD. REISTERSTOWN, MD 21136 410-833-6942

JOHN OWINGS RESIDENCE
ADDITION

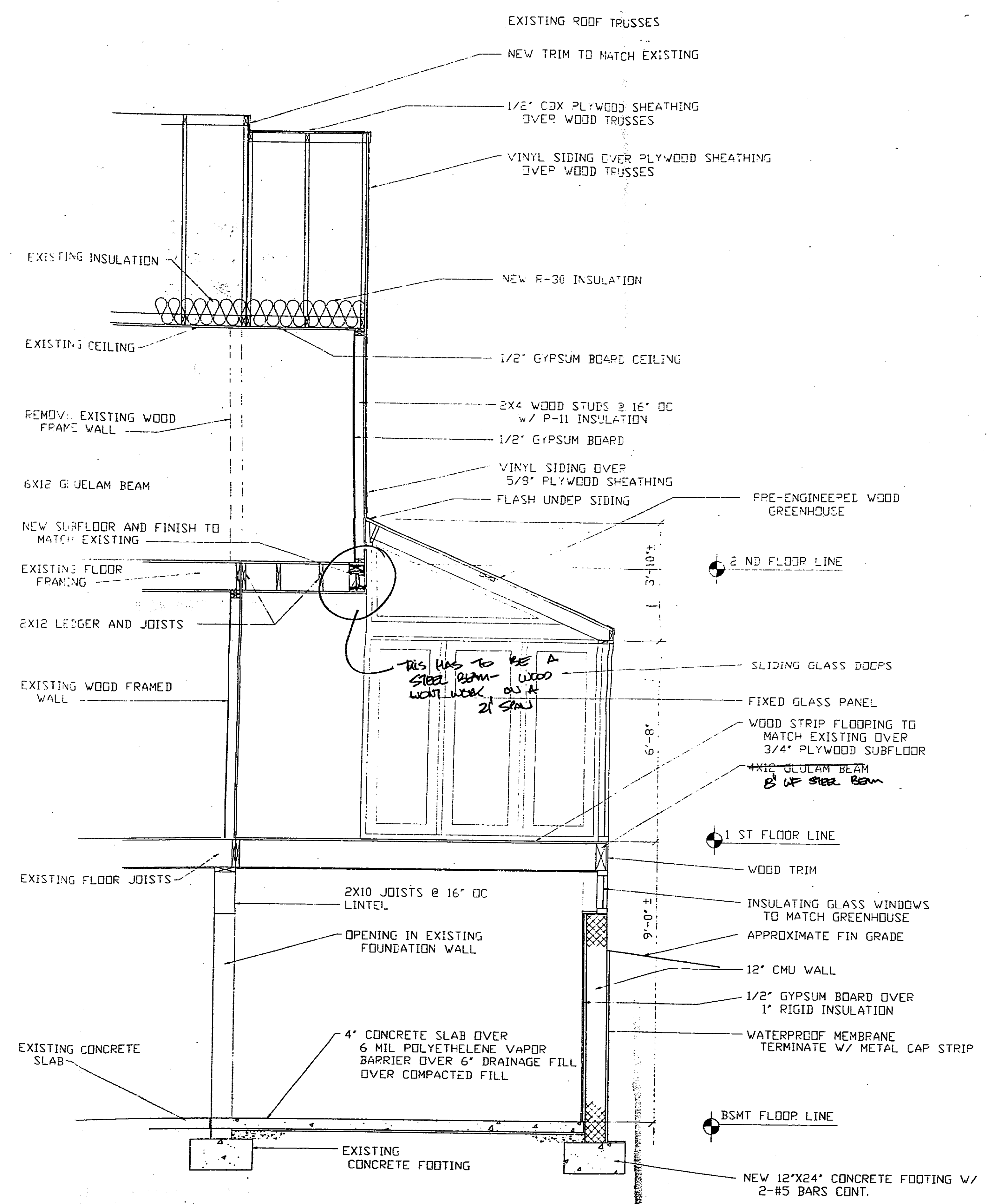
8500 WELLINGTON VALLEY WAY

GENERAL NOTES

1. Do not scale drawings for purposes of construction.
 2. All deviation from or field alteration to these drawings and specifications is strictly prohibited without prior approval of Architect or Owner. Any such alterations shall be completed at once at no expense to the Owner.
 3. All existing structural conditions shall remain "as is" unless noted otherwise.
 4. All existing conditions shall be verified in the field prior to beginning any construction. Any discrepancies shall be brought to the attention of the Architect prior to beginning construction.
 5. The General Contractor shall coordinate all trades to avoid conflicts, and coordinate mechanical, electrical and plumbing prior to installation. All disputes will be settled by the Architect regardless of when is installed first.
 6. The Contractor shall be responsible for coordinating the work of all trades. Responsibility of discrepancies in the Contract Documents. No additional costs will be paid by the Owner to rectify work to be relocated due to lack of adequate coordination.
 7. All construction shall be in accordance with the SDC A code, and all local regulations having jurisdiction over this work.
 8. The mechanical and electrical designs are to be provided by the respective subcontractors responsible for the work. These documents are to provide performance criteria only. It is the subcontractors' responsibility to provide engineered designs performed by a licensed engineer to satisfy the requirements of the design relative to the existing conditions.
 9. Demolition, cutting and patching of anything required to construct the project is herein made a part of these documents.
 10. The Contractor shall secure and pay for all permits.
- ## FOUNDATION
1. Presumptive soil bearing pressure is assumed to be 2500 PSF in undisturbed soil. This is to be verified by a registered soil engineer. If these values cannot be obtained, the Architect is to be notified immediately. Footings shall be installed 24" minimum into existing soil. Any excavation below required depth must be filled w/ concrete at the Contractor's expense.
 2. No excavation shall be made whose depth below any footing is greater than one half the distance from the nearest edge of that footing to the nearest edge of the next footing.
 3. Footing reinforcement shall be continuous and/or lapped a minimum of 40 bar diameters.
 4. All placement of reinforcing will be in accordance with the latest edition of CSI standard practices.
 5. Care should be taken not to mix the concrete with organic matter, clays, or soils.
 6. Unless noted otherwise, slab pours are not to exceed 625 SF w/ no dimension exceeding 40'. Cut alternate strands of WVF at pour joints.
 7. Provide 4" dia. PVC pipe foundation drain encased w/ 12" stone wrapped in geotextile fabric. Drain by gravity to grade or connect to existing system tied to sump pump.
- ## BACKFILL
1. Backfilling against retaining walls shall not take place until framed floor structures are in place and/or slabs on grade have been placed and reached their desired strength.
 2. Backfill under slabs shall be compacted to a minimum of 93% maximum dry density for cohesive soils and 90% for granular soils in accordance w/ ASTM D-1557 as a minimum. Soils are to be tested by an engineer registered in the state of Maryland.
- ## POURED IN PLACE CONCRETE
1. Concrete shall be placed in accordance with the latest edition of ACI-308 and CSI design handbooks. No concrete shall be placed when the temperature is 40 degrees and falling.
 2. Concrete shall have a minimum compressive strength of 3000 PSI after 28 days of curing. All exterior concrete shall be 3500 PSI and be air entrained.
 3. Reinforcing steel shall be billet steel conforming to ASTM A-615. Deformation shall be in accordance w/ A-305. WVF shall be in accordance w/ ASTM A-185. Stirrups and ties shall conform to ASTM A-615.
 4. Reinforcing steel shall have a minimum of 3" cover for earth formed footings.
 5. The maximum distance of unbalanced fill measured from the top of the lower level floor slab to the outside finished grade shall be 7'-0" for 12" CMU.
 6. All CMU walls shall be poured w/ 5/8" Portland cement parging for full height of wall.
 7. WVF shall be placed mid depth of concrete slabs. Slabs shall be placed over 6 mil polyethylene vapor barrier.
- ## MASONRY
1. CMU Foundation walls shall conform to ASTM C-145 grade N-1.
 2. Mortar shall be type "S".
 3. Provide WVF at every other course vertically. Reinforcing shall be truss type and hot dipped galvanized. Provide special pieces at corners and intersections.
 4. Where New CMU Foundation walls abut existing walls tie to existing w/ HD galvanized anchors at 16" OC vertically.
 5. All CMU units shall be laid in a full bed of mortar w/ full head joints.
- ## WOOD STRUCTURE
1. Designed roof loading is 30 PSF.
 2. Wood framing members shall have structural properties not less than No. 2 Southern Pine as defined by the PS-20-70 Lumber standards.
 3. Plywood sheathing shall be Douglas Fir or equal, grade CD or equal bonded w/ 100% waterproof glue.
 4. All nailing shall be in accordance w/ Appendix L of BDCA Basic Building Code, latest version. A copy will be kept on site at all times.
 5. All wood connections shall be made w/ metal connectors appropriate to use, similar to Simpson Strong Tie LUP joist hanger or equal.
 6. All wood members exposed to the elements or in contact w/ concrete or masonry shall be protected against decay or insect infestation in accordance w/ BDA 814B. All pressure treated wood shall comply with the requirements of the American Wood Preservers Institute Standard LP-2 or LP-4.
 7. Furnish shop drawings for wood trusses signed and sealed by an engineer registered in Maryland to meet the requirements of the design.
 8. All wood studs shall be SPF stud grade, kiln dried.
 9. All window headers shall have 1 2x12 for each nominal thickness of wall with a 1/2" plywood sheet between.
- ## THERMAL AND MOISTURE PROTECTION
1. Roof shingles shall be 2408 Fiberglas, warranted for a period of 20 years.
 2. Shingle underlayment shall be 30# roofing felt. Roof eaves shall be flashed w/ an approved eave flashing from the eave to a point 24" past the exterior edge of the roof.
 3. Aluminum drip edges shall be used to protect roofing at all rake and fascia board.
 4. Insulation shall be best type R19 batt insulation.
 5. Gutters shall be 20" prefinished aluminum. Downspouts shall be 2x4 prefinished aluminum and terminate at grade at a 12"x24" concrete splash block.
 6. Provide ridge and soffit vents at all wood frame.

- ## ROOFING
1. Interior sealants will be Acrylic Latex ASTM C-829 or 1/2" N.S.
 2. Provide sealant to seal all junctures of all exterior materials including but not limited to: cast-in-place walls, door frames, etc.
- ## DOORS AND WINDOWS
1. Hardware shall be heavy duty and appropriate for the door.
 2. All new windows and doors shall match existing. Doors shall be insulating glass.
 3. Exterior wood doors shall be solid wood doors, stained and painted.
- ## FINISHES
1. Gypsum board products shall be 1/2" Gypsum board. All joints will be taped and sponged w/ 2 coats of joint compound. The top coat will be sanded smooth.
 2. Provide 2x4 wood studs @ 16" OC w/ 1/2" gypsum board.
 3. Provide painting products of Duron brand. The painting schedule is written around their product.
 4. Prepare surfaces for painting in accordance with the manufacturers written directions.
 5. Apply coatings as follows:
- | | |
|--------------------|-------------------------------------|
| Interior wood trim | 1 coat w/ oil and wood preservative |
| Gypsum board | 2 coats latex primer |
| Natural wood | 2 coats latex primer |
5. Provide transition strips at all changes in floor and wall.
 6. All closets shall have one side door and one door when they are located in.

- ## SPECIALTIES
1. Pre-engineered greenhouse shall be manufactured by Sun Room Company, Inc. It shall be for a 10' x 10' x 8' greenhouse.
 2. Glazing shall be 7/8" insulating glass. The greenhouse shall be over laminated.
 3. Sun room will be warranted for a period of 10 years.
 4. Greenhouse members shall be designed for a structural loading of 40 PSF.
 5. For information relative to the greenhouse contact Sun Room Company, Inc. at 410-712-1870.
- ## MECHANICAL
1. All mechanical work shall be in accordance w/ SDC A mechanical code latest edition.
 2. All new spaces shall be heated and/or conditioned. The mechanical contractor shall be responsible for the design of the system. His design shall be in accordance w/ ASHRAE standards.
 3. Generally, expansion of small spaces shall be an extension of the existing HVAC system. The new duct run will require a separate system sized to respond to the additional heating and cooling loads. It shall be a split system. The Contractor shall direct the locations of issue and equipment.
 4. The Contractor shall design the system, secure permits, construct the system and install it. The design work will be done by a professional Engineer. Design of system must meet ASHRAE requirements.
 5. Provide a 1-1/2" drain from AHU condensate pan to the existing sump pump.
- ## ELECTRICAL
1. All electrical work shall be in accordance w/ the National Electrical Code (NEC).
 2. The electrical contractor will be responsible for the design of the system in accordance w/ NEC.
 3. The Contractor shall furnish all labor and materials and equipment to provide a complete system.
 4. All wiring will be copper, #12 AWG minimum for lighting and 100% insulation.



CROSS SECTION
1/4" = 1'-0"